الأحديث الأربعين في وجوب طاعة أمير المؤمنين

FORTY NARRATIONS

on the Obligation to Obey the Ruler

Written by

SHAYKH YŪSUF AL-NABHĀNĪ



Translated with notes by

S. Z. CHOWDHURY

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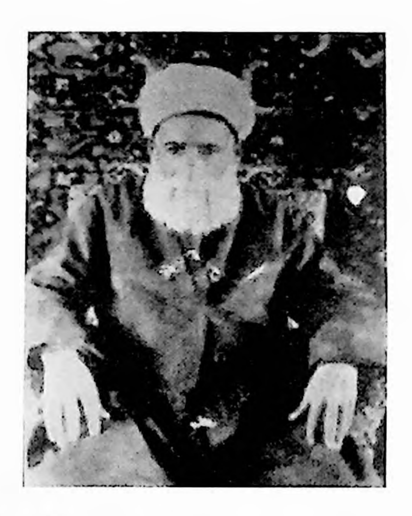
S. Z. CHOWDHURY

إن الجماعة حبل الله فاعتصموا   منه بعروته الوثقى لمن دانا،

كم يرفع الله بالسلطان مظلمة   في ديننا رحمة منه ودنيانا،

لولا الخلافة لم تؤمن لنا سبل   وكان أضعفنا نهبا لأقوانا

Ibn al-Mubārak (*Bahjat al-Majālis*, 1:332 of Ibn 'Abd al-Barr as well as his *Kitāb al-Tamhīd*, 21:275).



The *qāḍī*, Shāfi'ite jurist, *ḥadīth* specialist, poet and spiritual master Shaykh Yūsuf al-Nabhānī (d.1350/1932)

Contents

1
The Centrality of the *Khilāfa*

Centrality of the Khilāfa[1]

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> The truth of the matter is that the Khilāfa is a unique system, different from any other in terms of its political philosophy, form of government and its stated aims for the simple reason that its source is divine and not manmade, whether by Western liberal thinkers of the Enlightenment or their intellectual subservients from the so-called Muslim liberal thinkers.[2]

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[1] This chapter is abridged from *The Centrality of the Khilāfah* in Islam by Kamal Abu Zahra with minor typographical changes

[2] Mufti Taqi Usmani writes:

> The first principle of political rule in Islam is that true rule in this universe belongs to Allah alone (glorified and High is He) and He is the best of Judges. Based on this foundation, it would not be permitted to issue laws that oppose the rulings of Islam as explained in the Qur'an and pure *Sunna* nor would it be permitted to issue an injunction or command unless it agrees with what Allah has legislated for His servants. It is this principle that distinguishes the Islamic political system from every other one like democracies and dictatorships. Democracy defers the right to rule to the people unrestrictedly and dictatorships defer the right to the ruler who is not subject to any other authority but himself in his actions. In opposition to this, the authority of the ruler in Islam is restricted to what accords with the Qur'an and *Sunna*; to the extent that the people must not obey him if he orders a sin or act of disobedience. *Takmila Fath al-Mulhim*, 3:227.

إن مبدأ الاول من مبادئ الاحكام السياسية للإسلام ان الحكم الحقيقي في هذا الكون إنما هو لله سبحانه و تعالى و هو أحكم الحاكمين. و بناء على هذا الأساس، فلا يجوز إصدار قانون يصادم احكام الله سبحانه و تعالى المشروحة في القرآن الكريم و سنة النبوية المطهرة، و لا إصدار الحكم أو الامر إلا بما يوافق شرع الله الذي شرع لعباده.

إن هذا المبدأ هو الذي يميز النظام السياسي الإسلامي من كل من الديموقراطية و الدكتاتورية، فإن الديموقراطية تفوض الحكم الى الشعب دون أي قيد. و الدكتاتورية تفوضه الى الحاكم الذي لا يخضع في أفعاله الى سلطة أخرى.

1. *The system of the Caliphate was known*:

The only thing the Prophet did not explicitly inform us about was who was going to be Khalīfa, because that is up to the Muslims to decide. The Prophet's silence is itself an indication of this rule. The Ṣaḥāba knew what that system was, hence the debate after the Prophet died was not on nature of government, but the matter of selection; everything else was generally agreed and hence no discussion arose as to the role of the Khalīfa. This is because the Ṣaḥāba were inheriting from the Prophet the system of government which he himself administered in Medina, and thus they had the Prophet's guidance on this matter.

2. *The system of the Caliphate is unitary*:

The Prophet did inform the Ṣaḥāba that the Khilāfa is a unitary system: For example Muslim reported from Abū Sa'īd al-Khudrī that the Messenger of Allah said: "If the oath of allegiance (*bay'a*) has been taken for two Caliphs, kill the latter of them."[3]

3. *The system of the Caliphate is just*:

On the nature of caliphal rule 'Umar once asked Ṭalḥa, Zubayr, Ka'ab and Salmān al-Fārisī: 'what is the difference between a caliph

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[3] Muslim, *Ṣaḥīḥ* (#1853):

عن أبي سعيد الخدري قال قال رسول الله صلى الله عليه وسلم : إذا بويع لخليفتين فاقتلوا الآخر منهما

See al-Fāsī, *Risāla fi 'l-Khilāfa*, pp.41-42. See also fn.84 below on the legal obligation of having only one Caliph.

and a king? Talha and Zubayr said: 'we do not know,' but Salmān said: 'the caliph who is just to the citizens, divides their people's share equally, compassionate to the people as a man is with his family and judges between them by the Book of Allah' i.e. the ruler is not despotic or totalitarian but looks after their affairs according to the rules of the Shariah.[4]

4. *Unanimity on the obligation of a Caliphate*:

The scholars throughout the ages have discussed the obligation of the Khilāfa and the various aspects of the system [...] to demonstrate the centrality and continuity of the Khilāfa system:

1st century Hijri: *the Companions*

After the death of our blessed Prophet Muhammad the companions deliberately delayed his burial until Abū Bakr was chosen as Khalīfa. This action of the Sahāba indicates the obligation of appointing a Khalīfa. The Prophet had said: "when one of you dies, do not hold onto him but rush to his burial." But the Sahāba, knowing this duty (*wujūb*) full well, left the burial of the Prophet for something which was *awjab* (more *wājib*) than that, i.e. the

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[4] For variations of this account, see Ibn Sa'd, *al-Tabaqāt al-Kubrā*, 3:285 (#3930-3931) and al-Suyūṭī, *Husn al-Muhādara*, 2:108 as cited by al-Kattānī in *al-Tarātīb al-Idāriyya*, 1:86:

قال عمر بن الخطاب : والله ما أدري أخليفة أنا أم ملك؟ فإن كنت ملكاً فهذا أمر عظيم

قال قائل : يا أمير المؤمنين، إن بينهما فرقاً. قال : ما هو؟

قال: الخليفة لا يأخذ إلا حقاً، ولا يضعه إلا في حق، فأنت بحمد الله كذلك، والملك يعسف الناس

فيأخذ من هذا ويعطي هذا!

فسكت عمر.

appointing of a Khalīfa. That is why the *'ulamā'* have said there is *ijmā'* (consensus) of the Ṣaḥāba on the obligation of appointing a Khalīfa, an *ijmā'* which has been transmitted to us through *tawātur* or concurrent narrations.[5]

4th century Hijri: *al-Māwardī*

The Shāfi'ī jurist al-Māwardī (d.450/1057) stated: 'Imamate is prescribed to succeed Prophethood as a means of protecting the *dīn* and of managing the affairs of this world. There is a consensus of opinion (amongst the scholars – *ijmā' al-'ulamā'*) that the person who discharges the responsibilities of this position must take on the contract of Imamate of the *umma*.'[6]

7th century Hijri: *al-Nawawī*

Imam Yaḥyā b. Sharaf al-Nawawī (d.676/1278) said: '(The scholars) agreed that it is an obligation upon the Muslims to select a Khalīfa.' Regarding the obligation of having only one

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[5] al-Zahawi comments:

> The Companions of the Prophet have unanimously agreed upon appointing him to office (*ajma'a 'alā naṣabihi*) after the passing away of the Prophet to the extent that they considered it to be the most important of obligations (*ahamm al-wājibāt*) giving it precedence even over his burial. See *al-Fajr al-Ṣadiq*, p.7 (= https://daralnicosia.wordpress.com/2011/05/15/imam-al-zahawi_obedience-to-the-ruler/).

وقد أجمع الصحابة بعد رسول الله صلى الله عليه وسلم على نصبه حتى جعلوه أهم الواجبات وقدموه على دفنه صلى الله عليه وسلم

[6] *al-Aḥkām al-Sulṭāniyya*, p.5:

وعقدها لمن يقوم بها واجب بالإجماع وإن شذ عنهم الأصم

Khalifa he also said: 'It is forbidden to give an oath to two Imams or more, even in different parts of the world and even if they are far apart.'[7]

10[th] century Hijri: *Ibn Ḥajar al-Haythamī*

Ibn Ḥajar al-Haythamī (d. 807/1404) explained the *ijmā'* of the Ṣaḥāba: 'It is known that the Sahaba consented that selecting the Imam after the end of the era of Prophethood was an obligation (*wājib*). Indeed they made it (more) important than the (other) obligations whilst they were busy with it over the burial of the Prophet.'[8]

13[th] century Hijri: *al-Bayjūrī*

Ibrāhīm al-Bayjūrī (d.1276) in his book *Tuḥfat al-Murīd 'alā Jawharat al-Tawḥīd* (vol.2, p.136) said: 'The Saḥāba were agreed (on the appointment of an Imam) after he parted this world and they were occupied by this from burying the Prophet. This is because he died on a Monday at *zawāl* (mid-day) and he was left that day until the night of Tuesday and he was buried towards the end of Wednesday night. Abū Bakr had said: Someone must undertake this responsibility, so

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[7] See al-Nawawi, *Sharḥ*, 12:204:

اجمعوا على انعقاد الخلافة بالاستخلاف وعلى انعقادها بعقد أهل الحل والعقد لإنسان حيث لا يكون هناك استخلاف غيره وعلى جواز جعل الخليفة الأمر شورى بين عدد محصور او غيره واجمعوا على انه يجب نصب خليفة وعلى أن وجوبه بالشرع لا بالعقل

[8] See *al-Sawā'iq al-Muḥriqa*, p.7:

اعلم أيضا أن الصحابة رضوان الله عليهم أجمعوا على أن نصب الإمام بعد انقراض زمن النبوة واجب بل جعلوه أهم الواجبات حيث اشتغلوا به عن دفن رسول الله صلى الله عليه وسلم

think about the matter and bring forth your views, may Allah have mercy on you. From every corner of the Prophet's mosque the people said: *ṣaddaqta ṣaddaqta* (you have spoken the truth, you have spoken the truth). No one said we do not need an Imam.[9]

5. Implications:

> Throughout the centuries the *'ulamā'* have expounded on the centrality and obligation of Khilāfa in Islam because it is what the Prophet and Sahaba have taught us. Today we hear government scholars on the performance related payroll of Arab autocratic totalitarian despotic dictators claiming that Khilāfa is not a religious duty or that it can be abandoned in favour of liberal, democratic and secular republican systems. The *umma* did not fall for this propaganda when the Khilāfa was destroyed and they will certainly not fall for this decline now that she has tasted revival. Those who deny the undeniable should take heed that this *umma* has awakened and yearns to see the banner of the Khilāfa flutter in the dawn of the new millennium, the millennium of the Khilāfa no matter how much the colonialists and their supporters may detest it.[10]

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[9] From al-Bayjūrī, *Tuḥfat al-Murīd*, p.326 on l.136:

وواجب نصب أمام عدل * بالشرع فاعلم لا بحكم العقل

[10] al-Zahāwī remarks:

> Many a heretics (*māriq*) may say that the Legislator did not explicitly mention the command to follow or appoint the Imam so where then is it an obligation? We reply by saying that Allah Most High commanded us to establish the Religion and there is no means (*lā sabīl*) of establishing [the Religion] except by having security for the people, their families and their properties as well as preventing the transgression of

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some over others and so all this is not possible [to realise] except with the existence of the Imam (*lā yaṣiḥḥu illa ma'a wujūd al-imām*) whose punishment they fear, reward they hope for, whom they refer to and are united upon. If they themselves are not safe or secure, then perhaps they will fail in establishing the Religion in life which Allah Most High has obligated upon them to establish. And if an obligation cannot be fulfilled except by something, that thing itself is an obligation (*wa mā lā yatawaṣṣalu ila 'l-wājib illā bihi fa huwa wājib*). Therefore, the appointment of an Imam is an obligation. *al-Fajr al-Sādiq*, pp.7-8 (https://daralnicosia.wordpress.com/2011/05/15/imam-al-zahawi_obedience-to-the-ruler/):

رب مارق يقول إن الشارع لم ينص على الأمر باتخاذ الإمام فمن أين يكون واجبا فنجيب أن الله تعالى أمرنا بإقامة الدين ولا سبيل إلى إقامته إلا بوجود الأمان على أنفس الناس وأهليهم وأموالهم ومنع تعدي بعضهم علي بعض وذلك لا يصح إلا مع وجود إمام يخافون عقابه. ويرجون ثوابه. ويرجعون إليه ويجتمعون عليه. فإذا لم يأمنوا على أنفسهم لم يمكنهم أن يتفرغوا لإقامة الدين الذي أوجب الله تعالى عليهم إقامته وما لا يتوصل إلى الواجب إلا به فهو واجب فاتخاذ الإمام واجب

The translator of the *Reliance of the Traveller* comments:

> ...the Caliphate is both obligatory in itself and the necessary precondition for hundreds of rulings established by Allah to govern and guide Islamic community life. See Keller, *Reliance of the Traveller*, p.638.

2.
Author's Life and Works

Author's Life and Works

Short Biography



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He is Yūsuf b. Ismāʿīl b. Yūsuf b. Ismāʿīl b. Ḥasan b. Muḥammad Nāṣir al-Dīn al-Nabhānī:[11] Shāfiʿite jurist, Sufi, theologian, *ḥadīth* specialist, poet and "renewer of our time" (*mujaddid fī zamāninā*).[12] He was born around 1265H (1849) in the village Ijzim, located in the sub-district of Haifa in Palestine. He is from Banū Nabhān, an ancestral Palestinian Arab

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[11] al-Nabhānī, *Sharaf al-Mu'abbad*, p.140.

[12] According to the Somali Qādirī Sufi al-Barāwī as in his *Majmūʿat Qaṣā'id*, p.1. For a small analysis of the meaning of the term *mujaddid* within the *ḥadīth* literature, see Moosa-Tareen, "Revival and Reform", pp.202-218 in *Islamic Political Thought* and the article at: https://daralnicosia.wordpress.com/2013/11/14/meaning-of-the-hadith-of-allah-sending-a-mujaddid-every-century/

and desert family that was known for its pious and scholarly members.[13] He was given the title (*laqab*) "Abū 'l-Maḥāsin ('possessor of goodness') and became renown throughout the Muslim world for his scholarly output and his immense yearning and love for the Prophet expressed vividly in his poetical works.

He read and studied Qur'an as well as *Ḥadīth* in his early childhood with his father Ismāʿīl al-Nabhānī who was a pious, independent and known religious scholar. He completed his secondary education in the Arabic language as well as basic Islamic disciplines as was the standard *madrasa* curriculum across 19th century Ottoman educational centres and schools. Thereafter, in the month of Muḥarram 1283 (1866) around the age of 17, his father sent him to Cairo to study Shariah at al-Azhar University[14] - which at that time was still a strong seat of traditional and conservative Islamic learning and pedagogy. Rational sciences were abolished and focus was on the memorisation and closed analysis of the pre-modern classical corpus of transmitted works (*al-mutūn al-naqliyya*).[15] This was the curriculum learned by al-Nabhāni and one that he

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[13] al-Nabhānī, *Sharaf al-Mu'abbad*, p.140.

[14] al-Nabhānī, *Sharaf al-Mu'abbad*, p.140.

[15] Cf. al-Sayyid, "The Beginnings of Modernization among the Rectors of al-Azhar", pp.267-280.

would later defend to the hilt against the strong calls for overhauling its direction and method.



al-Azhar University courtyard: *religious instruction* (source: Wikipedia)

He remained in Cairo for the next 6 years to complete his further studies and returned to Ijzim in 1289 (1872). In that time al-Nabhānī recalls:

> I learnt all that Allah destined for me to learn of the Shariah sciences and its preparatory disciplines at the hands of the accomplished teachers and major established masters of the time, any one of whom, if he were found in a place, would be the leader of its people to the gardens of Paradise and would meet their requirements in all of the sciences - the spoken and the rational.[16]

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[16] al-Nabhānī, *Sharaf al-Mu'abbad*, p.140 (all translations are taken from Haddad at: http://www.sunnah.org/history/Scholars/al-Nabhānī.htm). For His licenses by his esteemed teacher at al-Azhar Ibrāhīm al-Saqqā, see al-Nabhānī, *Sharaf al-*

He would also meet various scholars at al-Azhar and even met reformist actors like Jamāl al-Dīn al-Afghānī (d.1897) and became aware of the entire reform agenda taking root.[17]

Upon his return from Cairo, he took up various teaching posts and courses (*al-durūs al-dīniyya*) within his local village and neighbouring towns as a religious teacher and committed to that for a while. He also held a teaching position in al-Jazzār Mosque, Acre. For the next several years or more (between 1875-1880) he gained a position as a judge in Nablus, travelled to Beirut as well as various cities in Damascus a number of times, studying with the most illustrious scholars, gaining official licenses (*ijāzāt*) and writing some of his works:

> Then I travelled frequently to Beirut, then Damascus where I met the eminent *ʿulamā'*. Chief among them was the Jurist of Damascus at the time, our Master the erudite Imam, al-Sayyid al-Sharīf Maḥmūd Effendī Hamza - Allah have mercy on him! - with whom I read the beginning of al-Bukhārī's *Ṣaḥīḥ*, after which he gave me a general certificate comprising the rest of the *Ṣaḥīḥ* as well as all his other narrations and his own works. He

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Mu'abbad as cited in the editor's introduction to *Shawāhid al-Ḥaqq*, pp.4-5.

[17] On this modernist reformation project, see Haj, *Reconfiguring Islamic Tradition*, pp.1-29.

wrote this long certificate in his superb style and handsome handwriting.[18]

By his own admission, his teachers included the following eminent figures of the 19th century:

1. Ibrāhīm al-Zurrū al-Khalīlī al-Shāfiʿī (d.1287/1870).
2. Aḥmad al-Ajhūrī al-Ḍarīr al-Shāfiʿī (d.1293/1876).
3. Ḥasan al-ʿAdawī al-Mālikī (d. 1298/1881).
4. al-Sayyid ʿAbd al-Hādī Najā al-Abyārī (d. 1305/1885).
5. Shams al-Dīn Muḥammad al-Anbābī al-Shāfiʿī (d.1313/1898).
6. ʿAbd al-Raḥmān al-Sharbīnī (d.1326/1911).
7. ʿAbd al-Qādir al-Rāfiʿī al-Ḥanafī al-Ṭarablūsī (d.1323/1908).
8. Yūsuf al-Barqāwī al-Ḥanbalī.[19]

From between 1876-1883 he travelled to and lived in Istanbul working on publishing, writing and editing texts and articles for the official late Ottoman religious semi-weekly periodical *al-Jawā'ib* founded in 1860 by the *belle lettres* Aḥmad Fāris al-

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[18] al-Nabhānī, *Sharaf al-Mu'abbad*, p.140.

[19] al-Nabhānī, *Sharaf al-Mu'abbad* cited in the introduction to *Shawāhid al-Ḥaqq*, pp.5-6.

Shidyaq.[20] The periodical attempted to interpret for its readers the various developments in science, industry and technology at the time as well as reassessment of Arab-Muslim fortunes within the Western colonial context. al-Nabhānī thus had access to emerging Arab thinking and literary output:

> Then I headed for Constantinople twice and worked there for several years. I edited the periodical *al-Jawā'ib* until it folded. I also proofread the Arabic books that came out of its press. My monthly salary there was ten Liras for editing and proofreading. I worked on this for about two or three hours [daily] and did it on the insistent request of the paper's owner, Aḥmad Effendi Fāris. He considered me his greatest blessing and showed great sadness at seeing me leave for my new position with the government [as a judge]. He offered me to work as his partner or a raise, but I refused.[21]

In 1300 (1882/3) he was appointed head judge of Kawī Sanjūq district in Mosul, Iraq where he remained for the next five years when in 1305 (1888) he was transferred to the head judgeship (*riyāsat al-maḥkama*) in Jerusalem, Palestine. Later that year, he

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[20] Regarding whom see Starky, "Voyages of Self-Definition: The Case of [Ahmad] Faris al-Shidyaq", pp.118-146.

[21] al-Nabhānī, *Asbāb al-Ta'līf*, p.290.

was promoted as head Judge of the Rights Courts (*maḥkamat al-ḥuqūq*) in Palestine:

> I left Constantinople, the first time, for Iraq. I went to the district of Kawi Sanjaq in the province of Mosul. Then I returned to Constantinople. I left it a second time in 1300 when I was appointed head judge of al-Jazā' court in al-Lādhiqiyya on the Syro-Palestinian sea-shore. After living there for five years the *Dawla* - Allah grant her victory! - transferred me to the head judgeship of the court of al-Qudus al-Sharīf. This took place through those at whose hands Allah decreed goodness for me, without request nor prior knowledge on my part. Then, after less than a year - eight months to be precise - they promoted me, without request nor prior knowledge on my part, to the chief judgeship of the Beirut Court of Justice. This was in 1305/1888.[22]

It was also during these years he met the eminent Sufi personality of the Qādiriyya Order Ḥasan Abū Ḥalāwa al-Ghazzī who supported him in gaining recognition and posts and they forged a strong relationship. It was also when al-Nabhānī forged networks with major Sufi Orders in his time and according to one biographer, he was initiated in

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[22] al-Nabhānī, *Asbāb al-Ta'līf*, p.290 and Idem, *Jāmiʿ Karamāt al-Awliyā'*, 2:43.

the Idrīsiyya, Shādhiliyya, Naqshbandiyya, Qādiriyya, Rifāʿiyya and Khalwatiyya Orders.[23] According so al-Nabhānī himself, he was initiated into the Tijāniyya Order but was highly critical of it.[24] Of particular interest is his relationship with the head of the Rifāʿiyya Order in Syria the controversial Abū 'l-Hudā al-Ṣayyādī (d.1909), who – from peasantry beginnings – attained the highest office in the Ottoman juridical hierarchy and became adviser to Sultan Abdülhamid II.[25] Ghazal explains the relationship and the possible affects it had on al-Nabhānī's career:

> al-Nabhānī, for no obvious reason, did not mention al-Ṣayyādī or their friendship in any of his writings, but their cordial relations were described in other sources. al-Nabhānī arrived in Istanbul the same year al-Ṣayyādī did. Whether their simultaneous departure to Istanbul was planned or a mere coincidence is not clear, but it is likely that al-Nabhānī was among those who accompanied al-Ṣayyādī when he returned to Istanbul in 1876. In

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[23] al-Fāsī, *Riyāḍ al-Janna*, pp.165-166.

[24] al-Nabhānī, *al-Majmūʿāt al-Nabhāniyya*, 4:470. His criticisms were met by severe responses from Aḥmad b. al-Amīn al-Shinqīṭī (d.1913), who was a senior deputy (*muqaddam*) of the Tijānī Order in Cairo. The work was called *Darʿ al-Nabhānī ʿan Ḥaram Sayyid Aḥmad al-Tijānī.*

[25] See Ghazal, "Beyond Modernity", pp.35-38.

any case, securing an editorial position at the government-sponsored periodical would have necessitated the intercession of al-Ṣayyādī. However, when al-Ṣayyādī was dismissed after the revolution of 1909, al-Nabhānī wrote a poem praising him and describing the deteriorating relations between Arabs and Turks.[26]

After the turn of the century, al-Nabhānī although dismissed as a judge after the 1909 tribunal following the Young Turks' revolution against the Sultan in 1908 because of his official affiliation with him,[27] nevertheless remained very vocal and active in publishing further conservative scholarly works – more polemical in fashion. He died in the blessed month of Ramaḍān in 1350/1932 and is buried in Ijzim, his home village.

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[26] Ghazal, "Beyond Modernity", pp.38-39.

[27] Some of his enemies accused him of being removed due to his abuse of position and he responded to those allegations in *al-Dalālāt al-Wāḍiḥāt*, p.5:

> And I [never] used a judgement against the Shariah or for any personal purpose. I tried to be just in all my capacity and knowledge...



Ijzim: *the tomb of Yūsuf al-Nabhānī* (source: Wikipedia)

His major known works include:

1. *Afdal al-Ṣalawāt ʿalā Sayyid al-Sādāt.*
2. *al-Aḥādith al-Arbaʿīn fī Faḍl al-Jihād wa 'l-Mujāhidīn.*
3. *Anwār al-Muḥammadiyya: Mukhtaṣar al-Mawāhib al-Laduniyya.*
4. *al-Arbaʿīn fī Wujūb Ṭāʿat Amīr al-Mu'minīn.*
5. *al-Dalālāt al-Wāḍiḥāt wa 'l-Mubāshirāt al-Manāmiyya Nabawiyya wa Ghayr Nabawiyya.*
6. *Dalīl al-Tujjār ilā Akhlāq al-Akhyār.*
7. *Faḍā'il al-Muḥammadiyya.*
8. *al-Fatḥ al-Kabīr fī Ḍamm al-Ziyāda ilā Jāmiʿ al-Ṣaghīr.*
9. *Hādī al-Murīd ilā Ṭarīq al-Asānīd.*
10. *Ḥujjat Allāh ʿalā al-ʿĀlamīn fī Muʿjizāt Sayyid al-Mursalīn.*
11. *Ḥusn al-Shurʿa fī Mashrūʿiyyat Ṣalāt al-ẓuhr baʿd al-Jumuʿa.*

12. *Irshād al-Ḥayārā fī Taḥdhīr al-Muslimīn min Madāris al-Naṣārā.*
13. *Jāmiʿ Karamāt al-Awliyāʾ.*
14. *al-Majmūʿāt al-Nabhāniyya fī al-Madāʾiḥ al-Nabawiyya wa Asmāʾ Rijālihā.*
15. *al-Mazdūjat al-Gharrāʾ fī ʾ-Istighātha bi-Asmāʾ Allāh al-Ḥusnā.*
16. *Muntakhab al-Ṣaḥīḥayn.*
17. *al-Naẓm al-Badīʿ fī Mawlid al-Shafīʿ.*
18. *al-Rāʾiyyat al-Ṣughrā fī Dhamm al-Bidʿa wa ʾl-Madḥ al-Sunnat al-Gharrāʾ.*
19. *Rafʿ al-Ishtibāh fī Istiḥālāt al-Jihha ʿalā Allāh.*
20. *Risālat al- Taḥdhīr min Ittikhādh al-Ṣuwar wa ʾl-Taṣwīr.*
21. *Sabīl al-Najāt fī ʾl-Ḥubb fī Allāh wa ʾl-Bughḍ fī Allāh.*
22. *Saʿādat al-Dārayn fī ʾl-Ṣalāt ʿalā Sayyid al-Kawnayn.*
23. *Saʿādat al-Anām fī Ittibāʿ Dīn al-Islām.*
24. *al-Sharaf al-Muʾabbad li-Āl Muḥammad.*
25. *Shawāhid al-Ḥaqq fī ʾl-Istighātha bi ʾl-Sayyid al-Khalq.*
26. *al-Sihām al-Ṣāʾiba li-Aṣḥāb al-Daʿāwa al-Kādhiba fī ʾl-Radd ʿalā Muddaʿī al-Ijtihād.*
27. *Tanbīh al-Afkār li-Ḥikmat Iqbāl al-Dunyā ʿalā ʾl-Kuffār.*
28. *Tahdhīb al-Nufūs fī Tartīb al-Durūs.*
29. *Wasāʾil al-Wuṣūl ilā Shamāʾil al-Rasūl.*

Conservatism

al-Nabhānī is widely known for his contribution to the sub-genres of Sufism where his extensive poetry, doctrine of devotion to the Prophet and apologetic stance towards overt Sufi practices have been appropriated by nearly all 20th century *shaykhs* of their respective Orders (*turuq*), who see him as the defining expression of spirituality in the Levant and beyond. However, little is known about his political activism and how his views of the caliphate were part of an overall movement of Muslim scholars aligned with the pan-Islam Sunnism of sultan Abdülhamid II that constituted a vocal dissent against modernity in all its form. This will be briefly outlined in what follows.[28]



Şehzade Abdülhamid: *when he was in his youth as a young prince* (source: Wikipedia)

[28] See Ghazal, "Beyond Modernity", pp.54-89.

al-Nabhānī witnessed the waning of the Ottoman Caliphate and ultimately, its abolishment.[29] He understood that a reversal of political fortunes was unfolding for the Muslim world to see and accepted it with a degree of inevitability and believed that Allah's providential plan was that worldly power was granted to the non-Muslim colonial powers at the expense of their place in Paradise.[30] Yet his allegiance to the state was unflinching and his works openly assumed a strong rhetoric of loyalty to the Sultan. He was well aware on the one hand of the internal challenges through calls for a reformation on major Islamic institutions and on the other, external challenges through rebellion and western imperialism. al-Nabhānī reserved the focus of his polemics for three main targets:

(i) The Egyptian reformist agenda begun by al-Afghānī and driven further by two other instrumental religious figures Muḥammad ʿAbduh

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[29] On this early twentieth century context, see Pankhurst, *The Inevitable Caliphate*, pp.31-62; Ghazal, "Beyond Modernity", pp.7-27 and Salvatore, "Modernity", pp.134-151 as well as Moosa-Tareen, "Revival and Reform", pp.202-218 both in *Islamic Political Thought*.

[30] He outlines this further in a small pamphlet under 10 pages entitled *Tanbīh al-Afkār ilā Ḥikmat Iqbāl al-Dunyā ʿalā 'l-Kuffār*.

(d. 1905) and Rashīd Riḍā (d. 1935).[31] al-Nabhānī felt their aims were destructive and involved directly undoing all things traditional by replacing it with Western imported substitutes. Their excessive rationalisation, allegiance to the sciences and disengagement from the pre-modern Muslim tradition was met with scorn and derision by al-Nabhānī:

> [...] they praised this century as a century of sciences, knowledge, virtues, good manners and refinement, and every good thing. They Say: "The time of ignorance and savagery is gone and here is the time of sciences and modernization." They also Say: "modern sciences, modernity ..." Sometimes they claim: "people have become modern and enlightened and have their eyes open. Savagery has gone." These are lying statements indicating that people who are claiming them are ignorant ... without a clear mind and cannot distinguish between right and wrong...[32]

He composed an entire *ad hominem* ode attacking all three figures that he named *al-Qaṣīdat al-Rā'iyyat al-Ṣughrā fī Dhamm al-Bidᶜa wa Ahlihā wa Madīḥ al-Sunnat al-Gharrā'* ('The Minor Rā'-Rhyming Ode in

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[31] See Hourani, *Arabic Thought in the Liberal Age*, ch.5-7 and 9 and Haj, *Reconfiguring Islamic Tradition*, pp.67-108.

[32] al-Nabhānī, *al-Sihām al-Ṣā'iba*, p.24.

Censuring Innovation and its Folk and Praising the Radiant Sunna') and there was no doubt in his mind that each was an agent of destruction for Islam and Muslims.[33]

(ii) The rise of Wahhabi influenced political separation from recognition of the Ottomans as well as their autopsy of the entire Islamic legal-spiritual tradition.[34] He lambasted their denial of the Muslim Sufi heritage – its doctrines and practices – and wrote a number of works refuting their attacks on traditional legal precepts like *qiyās* (analogical reasoning) and *taqlīd* (deferring authority to a scholar).

He reserved his major response to the reformists (and lesser extent) the Wahhabis on the issue of *ijtihād* and how its possibility was precluded because there was no longer any person competent enough to undertake it.[35] For him, the gate of *ijtihād* was well and truly closed:[36]

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[33] For an analysis of this ode, see Ghazal, "Beyond Modernity", pp.90-109.

[34] See Haj, *Reconfiguring Islamic Tradition*, pp.30-66.

[35] He actually believed the modernist were more dangerous and therefore worse than the Wahhabi threat; see *al-Sihām al-Ṣā'iba*, pp.30-31.

[36] See al-Nabhānī, *Ḥujjat Allāh 'alā 'l-'Ālamīn*, pp.770-775.

> And know that *ijtihād* does not exist anymore and that the gate of *ijtihād* was closed hundreds of years ago with the agreement of the scholars of the [four] schools, who art nation and the defenders of its religion...[37]

Thus, *fiqh* possibilities were foreclosed as earlier jurists had exhausted all legal possibilities and extensions of law cases. So in a sense, *ijtihād* was not only impossible, it was essentially redundant. This being the case, he saw reformist claimants to a renewed *ijtihād* as imposters and liars because they lacked the skill and knowledge to undertake legal analysis directly from the textual sources. For al-Nabhānī, *ijtihād* was a precept with a defined intellectual process that is legal in nature requiring as well deep piety and Allah's grace and so it was not an egalitarian enterprise.[38] He remarks:

> In this century when knowledge has become scarce and humiliated, and ignorance has become widespread and honoured, a stupid group searching for knowledge has been manipulated by Satan. This group made them stand for absolute *ijtihād* until they had claimed that they were like Shāfiʿī, Mālik, Ahmad and Nuʿmān [Abū Ḥanīfa] ...

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[37] See al-Nabhānī, *Ḥujjat Allāh*, pp.770-771 (all translations from Ghazal).

[38] al-Nabhānī, *Ḥujjat Allāh*, p.771.

> They claim it although they are weak students, considered from among the common people and not among the scholars of Islam. Great harm occurred to them and to some ignorant Muslims as a result of this sick call and other [bad] characteristics in them. I thus wrote this strong and straightforward treatise to warn people about their false calls and bad habits, as advice for them and for Muslims, and as a service to this religion.[39]

The political ramification in this contest regarding renewal of *ijtihād* is also clear: if *ijtihād* is possible (and even necessary) in civil matters as the reformist-modernists argue, then this would allow the Ottoman Sultan's absolute adoption of Ḥanafī law open to wholesale revision with adoption of a set of new laws more suited for changes in Muslim society and economy. In other words, *ijtihād* became the required tool for realising the institutional reforms to what Modernists saw was an ailing and failing Caliphate. For al-Nabhānī then, *ijtihād* was equated with a "hermeneutics of reform" that challenged and no less doubted the legitimacy of the Sultan, the viability of the Caliphate institution and relevance of pre-modern formulations of Islamic Law. All of these were unthinkable. For al-Nabhānī too, the Sultan had the right to adopt a unified law

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[39] al-Nabhānī, *al-Sihām al-Ṣā'iba*, p.9 (trans Ghazal).

code or canon, the Caliphate was the only legitimate political institution defined in Islam and Islamic law in its classical formulations was robust and extensive for all times. Thus, *ijtihād* represented a symbolic dual between conservative continuity and modernist-reformist revision.[40]

(iii) The adoption of Western-Christian missionary educational syllabi within schools (endorsed by 'Abduh) which al-Nabhānī saw as a clear agenda to corrupt and contaminate Muslim thought and practice and hence must be resisted. He wrote a small tract on this entitled *Irshād al-Ḥayārā fi Taḥdhīr al-Muslimīn min Madāris al-Naṣārā* ('The Right Guidance for Confused in Warning Muslims against Christian Schools'). In it, he argued for the subversive nature of Christian Missionary schools in attempting to distance (and ultimately remove) Muslims from Islam through a hidden agenda of education and was perplexed why Muslim parents enrolled their children in such schools when there were innumerable Muslim ones and hence jeopardise the integrity of their Islamic beliefs and

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[40] Ghazal, "Beyond Modernity", pp.87-89. Cf. as well "Ijtihad and Refutation of Nabhani" = *Ghāyat al-Amānī fi 'l-Radd 'alā 'l-Nabhānī*, 1:44-60 by the Iraqi intellectual Shukrī al-Ālūsī reproduced in Kurzman (ed.), *Modernist Islam, 1840-1940*, pp.158-171.

practices.[41] He vehemently opposed studying modern European languages and sciences that were taught in these missionary Schools because he saw them as tools to indoctrinate allegiance to and confidence in nationalism and secularism – both he argued were antithetical to Islam's teaching of loyalty to the *umma* and the Caliphate.[42]

al-Nabhānī's sustained polemical discourse is thus illustrative of one of the conservative modalities of the reception and response of Muslim intellectuals to modernity and changing political fortunes in the Muslim world. He remained adamant on preserving an essentialised concept of tradition, one that is somewhat closed in its parameters, defined and demarcated. Hence, he argued for the closure of unrestricted *ijtihād* as a possibility and insisted on *taqlīd* of the legal Schools. He perceived rapid change as changing the religion and importation of anything foreign as generally unislamic. He also articulated the superior nature of the Islamic viewpoint in life and the uniqueness of the Caliphate as the institution for the only restorative power of the Muslim condition. This is why he continually insisted on the total obedience

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[41] al-Nabhānī, *Irshād al-Ḥayārā*, pp.2-3, 12-15.

[42] al-Nabhānī, *Irshād al-Ḥayārā*, pp.16-20, 26-27.

to the Sultan. al-Nabhānī's conservatism is defined by at least three characterisations:[43]

1. His pessimism in human potential and vision. He was sceptical of the human ability to redesign whole ranges of legal, social and economic values and institutions that had developed historically and over time. Because he endorsed a degenerative concept of history, current human ability was entirely inferior to earlier communities in their potential to solve problems. Muslims must resort to tradition to appropriate their solutions. The model community in Medina and the few successive generations succeeding that were ideal sources for these solutions as they were closest to the Prophet in chronological proximity and had the collective knowledge, piety and skill to directly deduce solutions from the primary Islamic legal references of the Qur'an and *Sunna*. Hence, because the current generation were just not in any position to delineate correct wholesale change directly from the Islamic references, he vehemently rejected their call for *ijtihād* and reform.[44]

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[43] Cf. Farmer, *Understanding Radical Islam*, pp.21-34 for outlines on general conservative attitudes.
[44] al-Nabhānī, *al-Sihām al-Ṣā'iba*, pp.26-28.

2. He resisted any notion of discontinuity from the past. In other words, anything new is broadly eschewed or disqualified. New then for al-Nabhānī amounted to unravelling the structures that constituted the adopted legacy of the past, the uninterrupted embodiment of orthodox *praxis* and thus questioning its ability to maintain itself or recover its potentialities. Adopting wholly new systems, values and organising principles means the historical tradition not only lacked self-sufficiency but it no longer was relevant. Thus, what is new – that is change or *modernity* – is a threat to tradition's survival. Embracing modernity (as it appeared in the 19th century) meant relinquishing historical-normative Islam.

3. He equated anything European/Western as completely antithetical to Islam because it was secular. al-Nabhānī's distrust of importing anything foreign was total. He felt there was nothing of benefit to be gained from interaction with and assimilation of Western forms, styles and output of science, education and economics. His reductivist diagnosis was that importation of Western forms, styles and output were clear opportunities to intellectually, politically and culturally undermine Islam as the anchor point for Muslims. It was also a means of challenging the policies of the Sultan and

his legitimacy. Muslim imitation must be restricted to the inherited tradition and body of orthodox practice based on the Qur'an, the Prophetic example and the understanding of the jurist-scholars of the past and not new western social political canons.[45] In this way, the 19th and 20th century secular-nationalist colonial countries (British and French) were to be completely resisted at all cost.

al-Nabhānī was thus a conservative scholar who rallied against modernity as it intersected with the closing era of the Ottoman Caliphate. His critique and response of events and persons as he saw them is illustrative of the nature and direction of the debates at that time. His political activism and vocal support of the Sultan takes on additional relevance and importance because of the current discourse surrounding Islamic political parties actively engaged in the restoration project of the Caliphate. He is also significant in that he has become a source of inspiration for those

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[45] al-Nabhānī, *Irshād al-Ḥayārā*, pp.9-12. Cf. also his tract *Kitāb al-Taḥdhīr min Ittikhādh al-Ṣuwar wa 'l-Taṣwīr* ('The Book on Warning against Taking Pictures and Photography') in which he argued photography and art were prohibited to study because of their modern western origins and due the impermissibility of drawing sentient creatures in Islamic Law.

reimagining once again a post-Capitalist new Caliphate era.

3
Translator's Introduction

Translator's Introduction

The Text

The present translation is from the Maṭbaʿat al-Adabiyya edition printed in Beirut, 1312H corresponding to 1895 CE. The edition contains two works: The *Arbaʿīn* followed by a short tract written by al-Nabhānī entitled *Khulāṣat al-Bayān fī baʿḍ Māthir Mawlānā al-Sulṭān ʿAbd al-Ḥamīd al-Thānī wa Ajdāduhu Āl ʿUthmān* ('A Short Exposition on the Legacy of Sultan Abdülhamid II as well as His Ancestors from the House of Osman'). The latter as explained by al-Nabhānī in his preface to the tract is a short compilation "expounding the virtues and legacy of various Sultans of Islam and Muslims from the House of Osman".[46] The cover page of the publication interestingly has the following statement:

> Ten thousand copies were printed from the author's own costs in order to distribute it so that the community of the Prophet are advised and love for the Ottoman State is engendered in that regarding it some of the intimate knowers of Allah have said: After the era of the Companions, no other state has come like it.

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[46] al-Nabhānī, *Khulāṣat al-Bayān*, p.16.

This undoubtedly is indicative of the underlying motivations that consciously guided the selection of the narrations included in the *Arbaʿīn* collection. Internal indications and analysis of the *Arbaʿīn* strongly suggest the affirmative aims of the text as a work to consolidate within the collective consciousness of the Muslim nation the rightful place of the Ottoman state and their religious legitimacy at a time when the Caliphate was assessed for its own future viability.[47] In a wider context, Sultan Abdülhamid II's (r.1876-1909) official patronage of both religious scholars as well as Sufi spiritual Orders in addition to preserving the Islamic heritage sites and artefacts was part of his centralised propagation of Sunnism as an ideological protest against Western colonial encroachment. It would not be difficult to conclude the *Arbaʿīn* and many other works directly aligning with that official propagation programme.

al-Nabhānī commences the *Khulāṣa* with an entire page of laudatory lines for Abdülhamid II and his achievements in defending and advancing the faith of Islam.[48] The opening lines read:

He is the greatest ruler from the House of Yāfith

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[47] See Ghazal, "Beyond Modernity" pp.40-48.

[48] al-Nabhānī, *Khulāṣat al-Bayān*, pp.16-18.

and our deliverer from immense tribulations.
The Caliph of this age and from their ranks
who aids Allah's Religion with utmost resolve.
They are the House of 'Uthmān, each a fearless man;
lofty souls of valour and most shining examples.

The closing verse of the short poetical tribute is as follows:

And they will remain triumphant and victorious
for the nation of the final and noblest Messenger.[49]

After the poetic segment, al-Nabhānī exhorts the reader to remain fully loyal to the Caliph as a matter of religious obligation:

...thus, all Muslims must offer counsel to the Sultan in public and private and serve him and his state with utmost sincerity and uprightness. And pray for his victory and support.[50]

His particular ire is directed against detractors of Abdülhamid II who appear to criticise his decisions and policies and then quotes the leading 16th century Egyptian Jurist and Sufi figure 'Abd al-

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[49] al-Nabhānī, *Khulāṣat al-Bayān*, p.18.
[50] al-Nabhānī, *Khulāṣat al-Bayān*, p.18.

Wahhāb al-Shaʿrānī (d.973/1565)[51] which suggests in all likelihood his intended target were internal dissident and embittered Sufi *shaykhs* – or even the emerging reformist figures like Afghānī and Muḥammad ʿAbduh:

> The axial saint, the Master ʿAbd al-Wahhāb al-Shaʿrānī (Allah be pleased with him) said in his book *al-Baḥr al-Mawrūd Ukhidha ʿalaynā al-ʿUhūd*: we honour our rulers such as the leaders, ministers, the military judge (*qāḍī ʿaskar*) and governor. We permit kissing their hands and to stand for them [s: out of reverence]...whoever ponders on the condition of the folk, i.e. the Sufis in this regard, he will find their rules of conduct (*adab*) towards those in power...whoever thinks he is more discerning than the Sultan is utterly deluded...[52]

Loyalty to Sultan Abdülhamid II is further justified due to his embodiment of the full functions of the Caliphal office and al-Nabhānī mentions a number of these such as:

1. Spending public funds on patronage of notables, scholars and Sufis as well as the poor.

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[51] On al-Shaʿrānī, see Winter, *Society and Religion in Early Ottoman Egypt*.

[52] al-Nabhānī, *Khulāṣat al-Bayān*, p.19.

2. Preservation of heritage sites like tombs of the Prophets and saints.

3. Construction of numerous Mosques, Sufi lodges and schools.

4. Extensive services to the two Holy sanctuaries and the enormous maintenance bill for the numerous pilgrims that flock there and their requirements.

5. Fortification of the Islamic territories and strengthening of the army through military budgets and endorsement of *jihād*.[53]

6. His lineage to the House of 'Uthman the founder of the Ottoman Caliphate and its greatest descendent which al-Nabhānī describes in poetic verse:

He is a descendent of the House of 'Uthmān,
the greatest of the Sultans of Islam – *May Allah's mercy and pleasure be on them*;
who all served this clear Religion of Muḥammad
and aided the Shariah of the Master of Messengers
over seven centuries up to the present.

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[53] al-Nabhānī, *Khulāṣat al-Bayān*, pp.19-21.

> They carried out great conquests such that their fame reached all over
> and both believers on earth and angels in heaven rejoiced.[54]

Given this, and in relation to the *Arbaʿīn*, it is then no surprise that nearly a quarter of the narrations in it (#15-17,26-27, 29-30) are positive variations on one theme and that is the Sultan being God's "shade" (*ẓill*) on earth and the myriad of connotations that has for the Muslim audience.[55]

Moreover, 10 *ḥadīths* (#1-10) of the *Arbaʿīn* – another quarter of the entire collection – all unequivocally state the obligation to obey legitimate Muslim rulers – even if they are unjust and oppressive. Rebellion and armed resistance are illegitimate actions according to the Prophet's repeated prohibition because political unity of the Islamic state is a paramount objective. Thus, allegiance to the State and the Sultan was a religious obligation. However, the defeat in the Russo-Ottoman War 1877-1878 as well as the rising separatist voices among the Armenians, Albanians, Bulgarians, Greeks, Arabs and Kurds throughout the late 19th century reminded the Ottomans of the

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[54] al-Nabhānī, *Khulāṣat al-Bayān*, p.21.

[55] See the translation below for the meanings of these narrations.

extreme fragility and immanent dissolution and partition of its polity.[56]

Finally, a number of narrations (#31-40) mention the merits of a just and fair ruler and the immense reward with God such rulers have. The implicit point perhaps is that the Ottoman Sultans embodied this sense of justice and thus further underscoring their legitimacy and admiration.

The formula of the *Arbaʿīn* collection therefore suggests that at least two aspects are required for the successful institution of the Caliphate: a just ruler and obedience to the ruler. Rulers must administer the law correctly without bias, hatred or tyranny and citizens must absolutely obey their ruler. This mutual collaboration is what fortifies the political system and maintains its integrity, legitimacy and longevity. Ghazal writes:

> The *ḥadīths* in particular were carefully selected to point at specific issues raised at the time concerning the "Caliphate". The poem and the commentary put much emphasis on the abilities of ʿAbd al-Ḥamīd as a ruler of Muslims, and on his legitimacy based on *realpolitik* since he was of the Ottoman family, which had expanded and protected the Muslim Empire for centuries. al-

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[56] Somel, "Abdülhamid" in the *Encyclopaedia of the Ottoman Empire*, pp.7-8.

> Nabhānī, by resorting to the *Sunna*, was delivering the message that, first, the claim was legitimate and second, those in opposition to the Sultan were deviating from Tradition. Although the Muslims might have an oppressive ruler, he argued, it did not mean they could fight, disobey or even abandon him. al-Nabhānī's message in this whole tract is obvious. He was addressing Muslims, who had to take the Prophetic Reports seriously and respect Islamic history, as portrayed by al-Nabhani. Obviously, non-Muslims and secular Muslims were not addressed. Thus, the message was for Muslim reformers, who by opposing the Muslim ruler were causing grave damage to Muslim unity, and thus weakening Islam.[57]

The major sources of the *Arbaʿīn* are conveniently mentioned by al-Nabhānī at the end of the text:

> Know that the sources I gathered these forty narrations from are three main ones: *Mishkāt al-Maṣābīḥ* of al-Khaṭīb al-Ṭabrīzī, *al-Targhīb wa 'l-Tarhīb* of al-Ḥāfiẓ al-Mundhirī and *al-Jāmiʿ al-Ṣaghīr* of al-Suyūṭī. Thereafter, I consulted Bukhārī and Muslim and the narrations reported from them.[58]

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[57] Ghazal, "Beyond Modernity", pp.47-48.

[58] al-Nabhānī, *Khulāṣat al-Bayān*, p.14.

However, each narration has a specific reference to a known collection of *ḥadīth* and sometimes even with a grading of its degree of authenticity. In addition, most *ḥadīths* contain the author's clarification of some ambiguous words or related comments – mostly drawn from the standard commentaries on those collections and Ibn al-Athīr's *al-Nihāya fī Gharīb al-Ḥadīth*: "I have explained obscure words using *al-Nihāya* and commentaries on both Bukhārī and Muslim."[59]

Translation

This translation follows the content and sequence of the original Arabic text but diverges from the layout. This is in order to make the English more presentable and easier to follow. Only the Arabic text of the *ḥadīth* has been reproduced in the translation as it occurs in the *Arbaʿīn* without al-Nabhānī's remarks or statements. Moreover, all *ḥadīths* have as far as possible been sourced to its original cited collection and failing this a secondary reference. Furthermore, footnotes have been provided but kept to a minimum, drawn largely from the standard commentaries in order to elucidate a key precept or elaborate an important

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[59] al-Nabhānī, *Khulāṣat al-Bayān*, p.14.

and necessary point. Eulogies after the name of Allah, the Prophet, companions and religious personalities have been omitted in English although retained in the Arabic. Finally, transliterated terms are enclosed in round brackets, e.g. "(*khilāfa*)" and additional meanings supplied in the translation that I have taken from commentaries are enclosed in square brackets preceded with the lower case letter 's', e.g. "[s: ...]". The diacritics used in the transliteration follow those in the standard translation books in English with the exception that the letter "ع" represented with the symbol ʿ and the letter "ء" with the apostrophe '. All translations are mine unless stated otherwise.

al-Arbaʿīn



الأحاديث الأربعين
في وجوب
طاعة أمير المؤمنين

تأليف مصححه الفقير يوسف بن اسماعيل النبهاني رئيس محكمة الحقوق
في بيروت غفر الله له ولوالديه ولمن دعا له بالمغفرة

ويليه له خلاصة البيان في بعض مآثر مولانا السلطان
عبد الحميد الثاني واجداده آل عثمان

قد طبع منه عشرة آلاف نسخة على نفقة مؤلفه لتوزع مجاناً نصيحة للامة المحمدية
ومحبة بالدولة العلية العثمانية التي قال فيها بعض العارفين انه لم يأت بعد
عصر الصحابة دولة خير منها

المطبعة الادبية في بيروت سنة ١٣١٢ هجرية

al-Arbaʿīn cover page of the 1895 edition.

In the name of Allah, the most gracious and most Merciful

Praise belongs to Allah whose authority is all-conquering, whose proofs are forever manifest, whose is perfect in His power and encompassing in His generosity. The Unique Sovereign King in His dominion in creating, determining, commanding and organising. If it were not for that then there would be no origination or fine-tuning. The One and Only, the Unique and Eternal Who was not born nor did He produce any offspring and nothing is equal to Him whatsoever. Is not the created order sufficient proof of its Creator? So glory be to Him who has no association and no peer, no helper or minister. Where are the ministers and their aids now? And let Allah's salutations be on our Master Muḥammad, the bringer of good news and warner, the radiant lamp, the one who views all of Allah's creation and he is its light and humanity; the one whom Allah sent to all people and exalted him above all other Messengers. His nation has surpassed all previous nations and his Book eclipsed all other previous books. And let salutations be on his pure family and his elected companions who conquered all rulers of idolatry in giving victory to his religion and they truly are its heroes and knights.

I proceed: I have compiled these forty narrations regarding the obligation of obeying the ruler and

their official representatives where most of the narrations are authentic and good in hope of realising what he (Allah bless him and give him peace) said:

"Whoever preserves forty narrations for my nation regarding matters of our religion, Allah will raise him up [s: on the Day of Judgment] in the company of the deeply knowledgeable as well as the scholars."[60]

ʿAlī b. Abī Ṭālib and many companions related this. And what he (Allah bless him and give him peace) said:

"Whoever preserves forty narrations for my nation from my example (*min sunntī*), I will ensure on the Day of Judgment he is included in my intercession."[61]

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[60] This report is found through different companions but are all weak as mentioned by al-Nawawī in the introduction to his collection of forty narrations, See *The Complete Forty Hadith*, pp.1-2 and Ibn Daqīq al-ʿĪd, *The Forty Hadith*, pp.19-22.

[61] A weak report as mentioned by al-ʿIrāqī in his sourcing (*takhrīj*) of the narration, al-Ḥaddād, *Takhrīj Aḥādīth Iḥyā'*, pp.27-28.

Ibn al-Najjār narrated it from Abū Saʿīd with an authentic transmission channel.

I have explained all difficult words using *al-Nihāya* [*fī Gharīb al-Ḥadīth*] and commentaries of Bukhārī, Muslim and *al-Mishkāt* [*al-Maṣābīḥ*].

I commence [this collection] with the noble verse where Allah says: 'O believers! Obey Allah, the Messenger and those in authority amongst you' [Q. 4:59]. Imām al-Nawawī in his commentary of Muslim said: "the scholars have said that what is meant by:

> ..."those in authority (*ūli 'l-amr*)" are those whom Allah has made it obligatory to obey such as the rulers. This is the interpretation of majority of the commentators and jurists from the early righteous era (*salaf*) and the later eras (*al-khalaf*).

So here I begin by saying:

ḤADĪTH 1

عَنْ أَبِي هُرَيْرَةَ، عَنِ النَّبِيِّ صلى الله عليه وسلم قَالَ "مَنْ أَطَاعَنِي فَقَدْ أَطَاعَ اللَّهَ وَمَنْ يَعْصِنِي فَقَدْ عَصَى اللَّهَ وَمَنْ يُطِعِ الأَمِيرَ فَقَدْ أَطَاعَنِي وَمَنْ يَعْصِ الأَمِيرَ فَقَدْ عَصَانِي إِنَّمَا الإِمَامُ جُنَّةٌ يُقَاتَلُ مِنْ وَرَائِهِ وَيُتَّقَى بِهِ فَإِنْ أَمَرَ بِتَقْوَى اللَّهِ عَزَّ وَجَلَّ وَعَدَلَ كَانَ لَهُ بِذَلِكَ أَجْرٌ وَإِنْ يَأْمُرْ بِغَيْرِهِ كَانَ عَلَيْهِ مِنْهُ" .

From Abū Hurayra from the Prophet who said:

"Whoever obeys me, obeys Allah and whoever disobeys me has disobeyed Allah. Whoever obeys the ruler obeys me and whoever disobeys the ruler disobeys me. The Imam alone is a shield behind whom they fight and are protected by. If he enjoins fear of Allah, the Exalted and Glorious, and dispenses justice, there will be a reward for him and if he enjoins otherwise, it will count against him."

It was narrated by Bukhārī and Muslim.[62] The meaning of "junna" is 'protection' (*al-wiqāya*).[63] The

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[62] Bukhārī (#2957, 7137) and Muslim (#1835) in their *Ṣaḥīḥs*. See also Ibn Ḥajar's remarks in *Fatḥ al-Bārī*, 2:1431-1423 and 3:3194.

[63] "...because he is like a covering in that he protects the Muslims from the enemy harming them and protects

meaning of "imām" in all these narrations refers to the Khalīfa.[64]

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some people from others. He also safeguards the Muslim territories from any attacks..." al-Nawawī, *Sharḥ*, p.1431:

(الإمام جنة) أي : كالستر لأنه يمنع العدو من أذى المسلمين، ويمنع الناس بعضهم من بعض، ويحمي بيضة الإسلام ،ويتقيه الناس ويخافون سطوته

[64] al-Nawawī states: "It is permitted to call the Imam the caliph, the Imam or Leader of the Believers." *al-Rawḍat al-Tālibīn*, 10:49:

يجوز أن يقال للإمام: الخليفة، والإمام، وأمير المؤمنين

The Ḥāfiẓ ʿAbd al-Ḥayy al-Kattānī defined the khalīfa functionally as he who implements the Islamic political system:

> The caliphate is the supreme leadership, the general and comprehensive governance that establishes protection of the religion in this world. The one who establishes all this is the Caliph because he is the successor to the Messenger of Allah [s: in ruling]... *al-Tarātīb al-Idāriyya*, 1:79.

الخلافة هي الرياسة العظمى و الولاية العامة الجامعة القائمة بحراسة الدين و الدنيا و القائم بها يسمى الخليفة لأنه خليفة عن رسول الله...

al-Nabhānī defines *khilāfa* as:

ḤADĪTH 2

وعن أنس رضي الله عنه قال: قال رسول الله صلى الله عليه وسلم: "اسْمَعُوا وَأَطِيعُوا، وَإِنِ اسْتُعْمِلَ حَبَشِيٌّ كَأَنَّ رَأْسَهُ زَبِيبَةٌ".

From Anas who said: The Messenger of Allah said:

"Hear and obey even if an Abyssinian slave whose head is like a raisin is placed in authority over you."

It was narrated by Bukhari.[65] He [the Prophet] compared his hair to raisin due to its dark colour and wrinkly nature. al-Ḥāfiz Ibn Ḥajar's commentary on the *ḥadīth* is that it means: if for example the supreme leader (*al-imām al-aʿẓam*)

The general temporal leadership (*ri'āsa 'āmma*) of all the Muslims that establishes the Islamic rulings (*li-iqāmat aḥkām al-sharʿ al-islāmī*) and carries the Islamic invitation (*al-da'wa*) to the entire world... *Niẓām al-Ḥukm*, p.32. See also Nuʿmān, *al-Khilāfa al-Islāmiyya*, pp.9-40; al-Dumayjī, *al-Imāmat al-ʿUẓmā*, pp.26-42; Lewis, *The Political Language of Islam*, pp.43-70; Kadi-Shahin, "Caliphate", pp.37-47; Shahin, "Government", pp.68-85 and Crone, "Traditional Political Thought," pp.238-251 all in *Islamic Political Thought*.

[65] Bukhārī, *Ṣaḥīḥ* (#693, 7142).

appoints an Abyssinian slave over a certain land, then it is mandatory to obey him. The *ḥadīth* does not mean that the Abyssinian slave can become the supreme leader because a slave cannot in reality do so. In addition, al-Khaṭṭābī said that the expression is an example of hyperbole (*mubālagha*) in the command to be obey.[66]

[66] See *Fatḥ al-Bārī*, 3:3199. The example is hypothetical and not a real case in law.

ḤADĪTH 3

عن عبادة بن الصامت رضي الله عنه قال: بايعنا رسول الله صلى الله عليه وسلم على السمع والطاعة في العسر واليسر والمنشط والمكره، وعلى أثرةٍ علينا، وعلى أن لا ننازع الأمر أهله إلا أن تروا كفرًا بواحًا عندكم من الله تعالى فيه برهان.

From ʿUbāda b. Ṣāmit who said: 'We swore allegiance to the Messenger of Allah to hear and obey; whether in times of difficulty and in prosperity, in hardship and in ease, in like and dislike and not to dispute about the rule [s: i.e. the authority and power][67] with those in power, except in case of flagrant disbelief regarding which there is a proof from Allah, Most High.'[68]

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[67] From Ibn Ḥajar, *Fatḥ al-Bārī*, 3:3151 (#7056).

[68] Meaning a verse or authenticated narration that is unequivocal and does not admit of any legal interpretation. Rebellion is not permitted if there exists even a slight interpretive possibility (*ta'wīl*). What is also meant by the word "disbelief" (*kufr*) in the narration is "acts of disobedience" (*maʿṣiya*) that is known categorically from the foundational doctrines and precepts of Islam and not necessarily apostasy. See al-Nawawī, *Sharḥ*, p.1430 and Ibn Ḥajar, *Fatḥ al-Bārī*, 3:3152. Cf. also, al-Nabhānī, *Niẓām al-Ḥukm*, pp.255-257.

It was narrated by Bukhārī and Muslim.[69] What is meant by "buwāḥan" (flagrant, conspicuous) is 'manifest' (*ẓāhiran*). Imam al-Nawawī in his commentary of Muslim said: rebelling against and fighting them, i.e. the rulers, is unlawful by consensus of all the Muslims. The *ḥadīth*s regarding this are very clear.[70]

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[69] Bukhārī (#7056) and Muslim (#1709) in their *Ṣaḥīḥs*.

[70] See al-Nawawī, *Sharḥ*, p.1430 (#1709). The reason for strict political obedience to legitimate Muslim rulers is for maintaining Muslim unity because political disunity is a means to weakness, corruption and decay. Ibid., p.1428 (#1835-1836). Cf. fn.103 below.

ḤADĪTH 4

عَنِ ابْنِ عَبَّاسٍ، يَرْوِيهِ قَالَ قَالَ النَّبِيُّ صلى الله عليه وسلم: "مَنْ رَأَى مِنْ أَمِيرِهِ شَيْئًا فَكَرِهَهُ فَلْيَصْبِرْ، فَإِنَّهُ لَيْسَ أَحَدٌ يُفَارِقُ الْجَمَاعَةَ شِبْرًا فَيَمُوتُ إِلاَّ مَاتَ مِيتَةً جَاهِلِيَّةً "

From Ibn ʿAbbās who relates that: The Prophet said:

"If somebody sees in his ruler doing something he disapproves of, he should be patient, for whoever becomes separate from the group even a hand span (*shibran*)[71] and then dies, he will die like those who died in *jāhiliyya*".[72]

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> ...and this phrase is a metonymic expression indicating disobedience to the ruler (*sulṭān*) as well as fighting against him. Ibn Abī Jamra said: by 'separating' (*mufāraqa*) is meant hastening to undo the contractual pledge of allegiance given to that ruler even if it is through the least severe way. So, a hand span is metonymically used because taking a hand span is interpreted as unlawfully spilling blood... See *Fatḥ al-Bārī*, 3:3151:

It was narrated by Bukhārī and Muslim.[73]

قال ابن أبي جمرة: المراد بالمفارقة السعي في حل عقد البيعة التي حصلت لذلك الأمير ولو بأدنى شيء، فكنى عنها بمقدار الشبر، لأن الأخذ في ذلك يؤول إلى سفك الدماء بغير حق

[72] Ibn Ḥajar in *Fatḥ al-Bārī*, 3:3151 states:

> What is meant by 'death of jāhiliyya' – with the vowel *kasra* on the letter م – is dying a misguided death like those in the *jāhiliyya* times who did not have a just and obedient ruler as they had no such concept of that. It does not mean that a person dies a disbeliever; rather he dies as a disobedient.

والمراد بالميتة الجاهلية وهي بكسر الميم حالة الموت كموت أهل الجاهلية على ضلال وليس له إمام مطاع، لأنهم كانوا لا يعرفون ذلك، وليس المراد أنه يموت كافراً بل يموت عاصياً

[73] Bukhārī (#7054) and Muslim (#1849) in their *Ṣaḥīḥs*.

ḤADĪTH 5

عَنْ أَبِي هُرَيْرَةَ، عَنِ النَّبِيِّ صلى الله عليه وسلم أَنَّهُ قَالَ " مَنْ خَرَجَ مِنَ الطَّاعَةِ وَفَارَقَ الْجَمَاعَةَ فَمَاتَ مَاتَ مِيتَةً جَاهِلِيَّةً وَمَنْ قَاتَلَ تَحْتَ رَايَةٍ عُمِّيَّةٍ يَغْضَبُ لِعَصَبَةٍ أَوْ يَدْعُو إِلَى عَصَبَةٍ أَوْ يَنْصُرُ عَصَبَةً فَقُتِلَ فَقِتْلَةٌ جَاهِلِيَّةٌ وَمَنْ خَرَجَ عَلَى أُمَّتِي يَضْرِبُ بَرَّهَا وَفَاجِرَهَا وَلاَ يَتَحَاشَ مِنْ مُؤْمِنِهَا وَلاَ يَفِي لِذِي عَهْدٍ عَهْدَهُ فَلَيْسَ مِنِّي وَلَسْتُ مِنْهُ "

From Abū Hurayra from the Prophet who said:

Whoever defected from obedience [s: to ruler][74] and separated from the group [s: by even a hand span] and died in that state, he would die the death of one belonging to the days of *jāhiliyya*. Whoever fights under the banner of those without vision, gets flared up by tribalism (*ʿaṣabiyya*) and calls to fight for tribalism and supports his kith and kin in it, then if he is killed in that, he dies as one belonging to the days of *jāhiliyya*.[75] Whoever separates from my *umma*

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[74] From Ibn Ḥajar, *Fatḥ al-Bārī*, 3:3151.

[75] The Prophet said in stern words: "The one who calls for *ʿaṣabiyya*, fights and dies on *ʿaṣabiyya* is not one of us":

ليس منا من دعا إلى عصبية وليس منا من قاتل على عصبية وليس منا من مات على عصبية

and attacks killing the righteous and the wicked of them, sparing not (even) those staunch in faith and fulfilling not his promise made with those who have been given a pledge of security - he has nothing to do with me and I have nothing to do with him."

And the word "'ummiyya" here means what someone cannot see before his face.[76]

See Abū Dawūd, *Sunan* (#5121); Aḥmad, *Musnad*, 15/201 and al-Suyūṭī, *al-Jāmiʿ al-Ṣaghīr* (#784).

[76] al-Nawawī, *Sharḥ*, p.1435 (#1848). See also, Lane, *Lexicon*, Bk.1, p.2162, s.v.

ḤADĪTH 6

عَنْ عَوْفِ بْنِ مَالِكٍ، عَنْ رَسُولِ اللَّهِ صلى الله عليه وسلم قَالَ: "خِيَارُ أَئِمَّتِكُمُ الَّذِينَ تُحِبُّونَهُمْ وَيُحِبُّونَكُمْ وَيُصَلُّونَ عَلَيْكُمْ وَتُصَلُّونَ عَلَيْهِمْ وَشِرَارُ أَئِمَّتِكُمُ الَّذِينَ تُبْغِضُونَهُمْ وَيُبْغِضُونَكُمْ وَتَلْعَنُونَهُمْ وَيَلْعَنُونَكُمْ" . قِيلَ يَا رَسُولَ اللَّهِ أَفَلاَ نُنَابِذُهُمْ بِالسَّيْفِ فَقَالَ " لاَ مَا أَقَامُوا فِيكُمُ الصَّلاَةَ وَإِذَا رَأَيْتُمْ مِنْ وُلاَتِكُمْ شَيْئًا تَكْرَهُونَهُ فَاكْرَهُوا عَمَلَهُ وَلاَ تَنْزِعُوا يَدًا مِنْ طَاعَةٍ."

From ʿAwf b. Mālik al-Ashjaʿī who said: The Messenger of Allah said:

"The best of your rulers are those whom you love and who love you, who invoke God's blessings on you and you invoke His blessings on them. And the worst of your rulers are those whom you hate and who hate you and whom you curse and who curse you." It was asked: 'Shouldn't we overthrow them with the help of the sword, Messenger of Allah?' He replied: "No, as long as they establish *ṣalāh* among you.[77] If you then find anything detestable in them,

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[77] Muftī Taqī 'Uthmānī writes in his *Takmila* of *Fatḥ al-Mulhim*, 3:293-294:

> On his saying: 'no, as long as they establish *ṣalāh* amongst you'. al-Qāḍī 'Iyāḍ said: 'the

you should hate their actions but do not withdraw yourselves from their obedience."

Muslim narrated it. The word "ṣalāh" here means 'supplicating' (*al-duʿā'*) meaning 'you supplicate for them and they supplicate for you'.[78]

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meaning of <ما صلوا> is as long as they are on Islam. The reference to prayer is to indicate this. The teacher of our teachers al-Tahānawī said something similar in his epistle entitled *Jazl al-Kalām fī Mas'alat ʿAzl al-Imām*. In summary, he said that the Prayer was necessary for Islam at that time; thus that which necessitates something (*lāzim*) was mentioned metaphorically for that which was necessitated (*malzūm*).

He continues on p.295 saying: "And his saying: 'as long as they establish the Prayer amongst you' is a non-literal expression referring to their [establishing] Islam." al-Nawawī also states it means "as long as they do not change anything from the categorical and foundational principles of Islam." *Sharḥ*, p.1436.

[78] See al-Nawawī, *Sharḥ*, p.1437 (#1855).

ḤADĪTH 7

عَنْ أُمِّ سَلَمَةَ، زَوْجِ النَّبِيِّ صلى الله عليه وسلم عَنِ النَّبِيِّ صلى الله عليه وسلم أَنَّهُ قَالَ "إِنَّهُ يُسْتَعْمَلُ عَلَيْكُمْ أُمَرَاءُ فَتَعْرِفُونَ وَتُنْكِرُونَ فَمَنْ كَرِهَ فَقَدْ بَرِئَ وَمَنْ أَنْكَرَ فَقَدْ سَلِمَ وَلَكِنْ مَنْ رَضِيَ وَتَابَعَ" .قَالُوا يَا رَسُولَ اللَّهِ أَلاَ نُقَاتِلُهُمْ قَالَ "لاَ مَا صَلَّوْا" . أَىْ مَنْ كَرِهَ بِقَلْبِهِ وَأَنْكَرَ بِقَلْبِهِ

From Umm Salama who said: The Prophet said:

"Rulers will be appointed over you and you will find them doing good as well as bad deeds. Anyone who hates their bad deeds is absolved from blame. Anyone who disapproves of their bad deeds is [also] safe. But whoever approves of their bad deeds and imitates them [s: is doomed]." People asked: 'Messenger of Allah, shouldn't we fight against them?' He replied: "No, as long as they establish *ṣalāh*."[79] In other words, hating and disapproving in the heart.

It was narrated by Muslim.[80]

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[79] See fn.77 above.

[80] Muslim, *Ṣaḥīḥ* (#1854).

ḤADĪTH 8

عن عَبْدَ اللَّهِ بن مسعود، قَالَ: قَالَ لَنَا رَسُولُ اللَّهِ صلى الله عليه وسلم "إِنَّكُمْ سَتَرَوْنَ بَعْدِي أَثَرَةً وَأُمُورًا تُنْكِرُونَهَا". قَالُوا فَمَا تَأْمُرُنَا يَا رَسُولَ اللَّهِ قَالَ "أَدُّوا إِلَيْهِمْ حَقَّهُمْ وَسَلُوا اللَّهَ حَقَّكُمْ"

From ʿAbd Allāh b. Masʿūd who said: Allah's Messenger said to us:

"You will see after me selfishness and other matters [s: in your religion] that you will disapprove of." They asked: 'What do you order us to do, Allah's Messenger?' He replied: "Give their rights to them [s: i.e. the rulers] and ask your right from Allah."

Narrated by the two Shaykhs.[81] By the word "athara" it refers specifically to [covetousness] in this world.

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[81] Bukhārī (#3603, 7052) and Muslim (#1843) in their *Ṣaḥīḥs*.

ḤADĪTH 9

وعن وائل بن حجر رضي الله عنه قال: سال سلمة بن يزيد الجعفي رسول الله صلى الله عليه وسلم، فقال: يا نبي الله، أرأيت إن قامت علينا امراء يسألونا حقهم، ويمنعونا حقنا، فما تأمرنا؟ فأعرض عنه، ثم سأله، فقال رسول الله صلى الله عليه وسلم: اسمعوا وأطيعو؛ فإنما عليهما حملوا، وعليكم ماحملتم

From Wā'il b. Ḥujr who said: Salama b. Yazīd al-Juʿfī asked the Messenger of Allah: 'Prophet of Allah! Tell us, what do you command us to do if there are established over us rulers who demand of us what is due to them and refuse us what is due to us?' The Messenger of Allah turned away from him, but he repeated the same question. Thereupon the Messenger of Allah said:

"Listen to them and obey them. They are responsible for their obligations and you are responsible for yours."

Muslim narrated it.[82] 'They are responsible for their obligations', i.e. to enact justice and 'you are responsible for yours', i.e. maintaining obedience [s: to them].

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[82] Muslim, *Saḥīḥ* (#1846).

ḤADĪTH 10

عن عَبْدُ اللَّهِ بْنُ عُمَرَ سمعت رسول الله صلى الله عليه وسلم يقول
"من خلع يداً من طاعة لقي الله يوم القيامة ولا حجة له، ومن مات
وليس في عنقه بيعة مات ميتة جاهلية

From ʿAbd Allāh b. ʿUmar who said: I heard the Messenger of Allah say:

"Whoever withdraws his hand from obedience will find no argument [s: in his defence] when he stands before Allah on the Day of Resurrection. And whoever dies without having sworn allegiance will die the death of *jāhiliyya*."

Narrated by Muslim.[83] By allegiance (*bayʿa*) is meant the mutual contracting of the Imam in hearing and obeying.[84]

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[83] Muslim, *Ṣaḥīḥ* (#1851).

[84] This narration from ibn ʿUmar indicates the necessity of having a pledge of allegiance upon the neck of every Muslim; not, however, that every Muslim *must* physically give the pledge, which would then necessitate the presence of a *khalīfa* to whom that pledge of allegiance is given. The *khalīfa*'s presence is what will allow the pledge (*bayʿa*) to be fulfilled and realised, hence his presence is a necessity (*wājib*). The narration alone does not establish

ḤADĪTH 11

وعن أبي هريرة رضي الله عنه قال: قال رسول الله صلى الله عليه وسلم: كانت بنو إسرائيل تسوسهم الأنبياء، كلما هلك نبي خلفه نبي، وإنه لا نبي بعدي وسيكون بعدي خلفاء فيكثرون قالوا: يا رسول الله فما تأمرنا؟ قال: أوفوا ببيعة الأول فالأول، ثم أعطوهم حقهم، واسألوا الله الذي لكم، فإن الله سائلهم عما استرعاهم

From Abū Hurayra who said: The Messenger of Allah said:

"The tribe of Isrā'īl were ruled by the Prophets. When one Prophet died, another succeeded him. There will be no Prophet after me. Caliphs will come after me, and they will be many." The Companions asked: 'Messenger of Allah, what do you command

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that the act of making the pledge of allegiance an obligation, this is because the *qarīna* (contextual indication) in the narration corresponds to the rebuke by the Prophet for not having the *pledge of allegiance upon the neck of every Muslim* at the time of death and does *not* correspond to the actual act of giving the pledge *by* every individual. See, al-Nabhānī, *Niẓām al-Ḥukm*, pp.65-68 and Idem, *al-Shakhṣiyyat al-Islāmiyya*, 2:31-34 as well as Kamal Hussain's article "The Farḍiyya (Obligation) of Working for Khilāfa" specifically addressing this issue in *The Khilafah Magazine*, vol.15 (12), pp.15-18.

us to do?' He said: "Fulfil the pledge of allegiance to the first then the next. Concede to them their due rights and ask Allah that which is due to you. Allah will call them to account in respect of the subjects whom He had entrusted to them."

Narrated by Bukhārī and Muslim.[85]

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[85] Bukhārī (#3603, 7052) and Muslim (#1843) in their *Ṣaḥīḥs.*

ḤADĪTH 12

عَنْ عَرْفَجَةَ، قَالَ: سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، يَقُولُ: "إِنَّهُ سَتَكُونُ هَنَاتٌ وَهَنَاتٌ، فَمَنْ أَرَادَ أَنْ يُفَرِّقَ أَمْرَ هَذِهِ الْأُمَّةِ وَهِيَ جَمِيعٌ، فَاضْرِبُوهُ بِالسَّيْفِ كَائِنًا مَنْ كَانَ

و في رواية عنه عند مسلم أيضا:

قَالَ سَمِعْتُ رَسُولَ اللَّهِ صلى الله عليه وسلم يَقُولُ: مَنْ أَتَاكُمْ وَأَمْرُكُمْ جَمِيعٌ عَلَى رَجُلٍ وَاحِدٍ يُرِيدُ أَنْ يَشُقَّ عَصَاكُمْ أَوْ يُفَرِّقَ جَمَاعَتَكُمْ فَاقْتُلُوهُ

From ʿArfaja who said: I have heard the Messenger of Allah say:

"Different evils will appear in the near future. Anyone who tries to disrupt the affairs of this *umma* while they are united you should strike him with the sword whoever he is."[86]

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[86] Legitimate election of a Caliph precludes any legality to challenge that electoral outcome. Islamic law considers it an exceptional situation that allows for loss of citizen life. Thus, there can be only one elected Caliph whose authority may not be contested. If the law grants permission for loss of citizen life over a particular matter,

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then that is an indication of its paramount importance. It is therefore mandatory to appoint only one Caliph. al-Māwardī, Ibn Ḥazm, al-Nawawī and all jurists are unanimous on the impermissibility of there being two Caliphs simultaneously:

> If the contract of *Imāma* is concluded for two Imams in separate lands, then neither of them are legitimate Imams because it is not permitted to have two Imams in the *umma* at one time... al-Māwardī, *al-Aḥkām al-Sulṭāniyya*, p.9:

إذا عقدت الإمامة لإمامين في بلدين لم تنعقد إمامتهما، لأنه لا يجوز أن يكون للأمة إمامان في وقت واحد...

"All the scholars are in agreement that it is not permissible two appoint two Caliphs at one time..." al-Nawawī, *Sharḥ*, p.1431:

اتفق العلماء على أنه لا يجوز أن يعقد لخليفتين في عصر واحد

> And they are all in agreement that it is not permitted for Muslims to have two Imams at the same time anywhere in the world whether they agree to it or disagree, whether in separate places or in the same place... Ibn Ḥazm, *Marātib al-Ijmāʿ*, p.144:

Narrated by Muslim.[87] Another version in Muslim reads:[88]

I heard the Messenger of Allah say:

"When you are holding to one single man as your leader, you should kill whoever seeks to create dissention in your ranks or disrupt your unity."[89]

The word "hunāt" is the plural of the word "hana" and here means sedition as well as [tribulations]

واتفقوا أنه لا يجوز أن يكون على المسلمين في وقت واحد في جميع الدنيا إمامان، لا متفقان ولا مفترقان، ولا في مكانين ولا في مكان واحد

[87] Muslim, *Ṣaḥīḥ* (#1843).
[88] Muslim, *Ṣaḥīḥ* (#1843).
[89] The permission granted by the Islamic Law to eliminate any open combative and armed dissent by non-state actors against the state political unity is only enforced when the armed opponents do not desist. The state must have a clear set of principles and mechanisms that effectively address the reality of internal threats of disunity. Thus, Islam has made state political unity a paramount issue, a matter for which loss of citizen life is a valid consequence. See al-Nawawī, *Sharḥ*, p1436 (#1852) and al-Nabhānī, *Niẓām al-Ḥukm*, pp.92-94. Cf. also fn.86 above.

that will occur. The phrase "shaqq al-ʿaṣā" is a non-literal expression referring to sowing dissention among the community' (*tafrīq al-jamāʿa*).[93]

[93] See al-Nawawī, *Sharḥ*, p1436 (#1852).

ḤADĪTH 13

عَنْ عَبْدُ اللَّهِ بْنُ عَمْرٍو قَالَ : قَالَ رَسُولِ اللَّهِ صلى الله عليه وسلم
وَمَنْ بَايَعَ إِمَامًا فَأَعْطَاهُ صَفْقَةَ يَدِهِ وَثَمَرَةَ قَلْبِهِ فَلْيُطِعْهُ إِنِ اسْتَطَاعَ فَإِنْ
جَاءَ آخَرُ يُنَازِعُهُ فَاضْرِبُوا عُنُقَ الآخَرِ

From ʿAbd Allāh b. ʿAmr [b. al-ʿĀṣ] who said: the Messenger of Allah said:

"He who swears allegiance to an Imam [s: i.e. the Caliph] and gives him the clasp of his hand and the sincerity of his heart, he should obey him to the best of his capacity. If another man comes forward [s: as a claimant to the Caliphate], disputing his authority, they should strike the neck of the latter."

Muslim narrated it.[91] The phrase "ṣafaqat al-yad" (clasp of his hand) is a metonymic expression for a pledge of obedience.

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[91] Muslim, *Ṣaḥīḥ* (#1843). Cf. fn.86 and 89.

ḤADĪTH 14

عَنْ الْحَارِثَ الأَشْعَرِيَّ قَالَ : قَالَ رَسُولِ اللَّهِ صلى الله عليه وسلم :
وَأَنَا آمُرُكُمْ بِخَمْسٍ اللَّهُ أَمَرَنِي بِهِنَّ السَّمْعُ وَالطَّاعَةُ وَالْجِهَادُ وَالْهِجْرَةُ
وَالْجَمَاعَةُ فَإِنَّهُ مَنْ فَارَقَ الْجَمَاعَةَ قِيدَ شِبْرٍ فَقَدْ خَلَعَ رِبْقَةَ الإِسْلاَمِ
مِنْ عُنُقِهِ إِلاَّ أَنْ يَرْجِعَ وَمَنِ ادَّعَى دَعْوَى الْجَاهِلِيَّةِ فَإِنَّهُ مِنْ جُثَا جَهَنَّمَ
وَإِنْ صَامَ وَصَلَّى وَزَعَمَ أَنَّهُ مُسْلِمٌ

From al-Ḥārith al-Ashʿarī who said: The Messenger of Allah said:

"And I command you with five things that Allah commanded me with: Listening and obeying, *jihād*, Hijra, and the community (*jamāʿa*). For indeed whoever parts from the community the measure of a hand-span, then he has cast off the yoke of Islam from his neck, unless he returns. And whoever calls with the call of *jāhiliyya* then he is from the coals of Hell; even if he observed fast and prayed and asserted that he was a Muslim".

Narrated by Aḥmad and al-Tirmidhī.[92] The meaning of "ribqa" is a yoke tied around the neck of an animal and here figuratively refers to the laws of

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[92] Aḥmad, *al-Musnad* and Tirmidhī, *Sunan* (#2863) as part of a longer *ḥadīth*.

Islam (*kannā bi-hā ʿan aḥkām al-islām*).[93] The word "jutha" is the plural of "juthwa" and means a congregated body of people (*jamāʿa*). Other narrations also have the word "juthiyy" with its plural "jāth" and means to sit on one's knees.[94]

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[93] In *Tuḥfat al-Ahwadhī*, :131, al-Mubārakfūrī states:

> "Originally, it refers to the knot of a rope tied to the neck of an animal or its hinds in order to hold it tightly. Here, it is a metaphor for Islam to mean a Muslim who does not tie himself firmly to the knots of Islam, i.e. its penalties and limits (*ḥudūd*), its laws, commands and prohibitions."

وهي في الأصل عروة في حبل يجعل في عنق البهيمة أو يدها تمسكها فاستعارها للإسلام، يعني ما شد المسلم به نفسه من عرى الإسلام أي حدوده وأحكامه وأوامره ونواهيه

On the meaning of *jamāʿa*, see fn.103 below.

[94] See Lane, *Lexicon*, Bk.1, p.380, s.v.

ḤADĪTH 15

عَنْ أَبِي بَكْرَةَ قَالَ : سَمِعْتُ رَسُولَ اللَّهِ صلى الله عليه وسلم يَقُولُ
"مَنْ أَهَانَ سُلْطَانَ اللَّهِ فِي الأَرْضِ أَهَانَهُ اللَّهُ" .

From Abū Bakra who said: I heard the Messenger of Allah saying:

"Whoever insults Allah's Sultan on the earth, Allah disgraces him."

Narrated by al-Tirmidhī who said it was a good narration (*ḥasan*).[95]

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[95] al-Tirmidhī, *Sunan* (#2224).

ḤADĪTH 16

عَنْ أَبِي بَكْرَةَ قَالَ : قَالَ رَسُولَ اللَّهِ صلى الله عليه وسلم: من أجل سلطان الله أجله الله يوم القيامة

From Abū Bakra who said: the Messenger of Allah said:

"Whoever honours Allah's Sultan, Allah will honour him on the day of judgment."

al-Ṭabarānī narrated it.[96]

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[96] al-Ṭabarānī, *al-Muʿjam al-Kabīr*. cf. al-Albānī's analysis of various versions in his *Silsilat Aḥādīth al-Ṣaḥīḥa* (#2297).

ḤADĪTH 17

عن ابن عمر رضي الله عنهما قال: قال رسول الله صلى الله عليه و سلم: السلطان ظل الله فى الأرض يأوى إليه كل مظلوم من عباده فإذا عدل كان له الأجر وعلى الرعية الشكر وإذا جار كان عليه الإصر وعلى الرعية الصبر

From Ibn 'Umar who said: the Messenger of Allah said:

"The Sultan is the shade of Allah on earth to whom all oppressed from his servants seek refuge. If he is just, he will be rewarded and will be thanked among the people. However, if he is oppressive, he will be sinful (*iṣr*) but the people must remain patient."

It was narrated by al-Bayhaqī in *Shu'ab al-Īmān*.[97] The word "iṣr" means sin and chastisement. Its original meaning is burden (*thiql*).

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[97] *Shuʿab al-Īmān*, 6:15 (#7369) and al-Daylamī, *al-Musnad al-Firdaws*, 2:343 (#3553). For further analysis on the variations of this *ḥadīth*, see Kassis, *The Book of Proverbs*, pp.65-68 and Mullā 'Alī al-Qārī's commentary in *Mirqāt al-Mafātīḥ* translated at: https://daralnicosia.wordpress.com/2011/05/08/the-sultan-is-the-shade-of-allah_imam-ali-al-qari/

ḤADĪTH 18

عن عن أبى هريرة رضي الله عنه قال: قال رسول الله صلى الله عليه و سلم: السلطان ظل الله فى الأرض يأوى إليه الضعيف وبه ينتصر المظلوم ومن أكرم سلطان الله فى الدنيا أكرمه الله فى الآخرة يوم القيامة

From Abū Hurayra who said: The Messenger of Allah said:

"The Sultan is the shade of Allah on earth in whom the weak seek shelter and from whom all the oppressed seek help. Whoever honours Allah's Sultan on earth, Allah will honour him in the Hereafter".

Ibn al-Najjār related it with a good chain of transmission (*bi-isnād ḥasan*).[98]

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[98] See also the comments on *ḥadīths* #15-17 above. The generality of these narrations although weak in their isolated occurrences, are nevertheless accepted by jurists due to their overall soundness. Abū 'l-Ḥasan b. al-Haṣṣar in this regard states:

> "It may be that a jurist knows the authenticity of a *ḥadīth* even if there is no liar in the transmission route because it agrees with a verse from the Book

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of Allah or some basic foundational principles of the Shariah so he accepts it and acts on it." See al-Suyūṭī, *Tadrīb al-Rāwī*, p.66.

قد يعلم الفقيه صحة الحديث إذا لم يكن في سنده كذاب بموافقة آية من كتاب الله او بعض أصول الشريعة، فيحمله ذلك على قبوله والعمل به

The same principle also holds for reports found in the well-known *fiqh* compendiums of early jurists in the formative period of Islamic law. The mere occurrence of reports within those works are broadly sufficient for it to warrant a degree of authenticity admissible for legal deductions even if it does not meet the stringent criterion of authenticity advanced by *ḥadīth* critics. On this, see the replies by Shaykh 'Aṭā' Ibn Khalīl at:

1. http://www.hizb-ut-tahrir.info/info/english.php/contents_en/entry_40084;
2. http://www.hizb-ut-tahrir.info/info/english.php/contents_en/entry_29187 and
3. http://www.hizb-ut-tahrir.info/info/english.php/contents_en/entry_29576

HADĪTH 19

عَنْ أَبِي الدَّرْدَاءِ، قَالَ: قَالَ رَسُولُ اللهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ: إِنَّ اللَّهَ يَقُولُ :أَنَا اللهُ لا إِلَهَ إِلا أَنَا، مَالِكُ الْمُلُوكِ وَمَلِكُ الْمُلُوكِ، قُلُوبُ الْمُلُوكِ فِي يَدِي، وَإِنَّ الْعِبَادَ إِذَا أَطَاعُونِي حَوَّلْتُ قُلُوبَ مُلُوكِهِمْ عَلَيْهِمْ بِالرَّأْفَةِ وَالرَّحْمَةِ، وَإِنَّ الْعِبَادَ إِذَا عَصَوْنِي حَوَّلْتُ قُلُوبَهُمْ عَلَيْهِمْ بِالسَّخْطَةِ وَالنِّقْمَةِ فَسَامُوهُمْ سُوءَ الْعَذَابِ، فَلا تَشْغَلُوا أَنْفُسَكُمْ بِالدُّعَاءِ عَلَى الْمُلُوكِ، وَلَكِنِ اشْتَغِلُوا بِالذِّكْرِ وَالتَّضَرُّعِ إِلَيَّ أَكْفِكُمْ مُلُوكَكُمْ

From Abū 'l-Dardā' who said: The Messenger of Allah said:

"Allah says: 'I am Allah; there is no deity but Me. I am the Owner of all kingdoms and King of kings and the hearts of all kings are in My Hands. If My servants obey Me, I make the hearts of their rulers gracious and merciful towards them and if they disobey Me, I make the hearts of their rulers harsh and heavy on them and they will inflict a humiliating punishment on them. So, do not busy yourselves with supplications to the rulers but busy yourselves with My remembrance and humility towards Me so that I may suffice you of your rulers.'"[99]

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[99] See al-Albānī, *Silsilat Aḥādīth al-Ḍaʿīfa* (#602).

There are two other *ḥadīths* with this meaning. One of the *ḥadīths* is in al-Daylamī's *Musnad al-Firdaws* from Abū Bakra[100] who said: the Messenger of Allah said:

كما تكونوا يولى عليكم

"Your rulers will be as you are."[101]

The other *ḥadīth* is narrated by Ibn al-Najjār from ʿA'isha who said: the Messenger of Allah said:

لا تشغلوا قلوبكم بسب الملوك، ولكن تقربوا إلى الله بالدعاء لهم يعطف الله قلوبهم عليكم

"Do not let your hearts be busy in cursing the rulers but draw nearer to Allah through supplicating for

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[100] As indicated by al-Suyūṭī in *al-Jāmiʿ al-Saghīr* (#6406, 9786 = al-Ṣanʿānī's *al-Tanwīr*).

[101] A narration that has weakness in it as assessed by Muslim *ḥadīth* specialists. See the *Musnad al-Shihāb* of al-Quḍāʿī, 1:336 for the narration and Ibn Ḥajar's remarks on its weakness in his *takhrīj* of *al-Kashshāf*, 1:45.

them. Allah Most High will soften their hearts for you".[102]

The meaning of "they will inflict a humiliating punishment on them" is that Allah will assign over them the most severe of them.

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[102] See Ibn al-Najjār in his *Ta'rīkh* as traced by al-Muttaqī al-Hindī in *Kanz al-ʿUmmāl* (#14588), al-Munāwī in *Fayḍ al-Qadīr*, 6:404 and al-Suyūṭī in *al-Jāmi' al-Ṣaghīr* (#9786 = al-Ṣan'ānī's *al-Tanwīr*).

ḤADĪTH 20

عَنْ أَبِي ذَرٍّ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، أَنَّهُ قَالَ : اثْنَانِ خَيْرٌ مِنْ وَاحِدٍ، وَثَلَاثٌ خَيْرٌ مِنَ اثْنَيْنِ، وَأَرْبَعَةٌ خَيْرٌ مِنْ ثَلَاثَةٍ، فَعَلَيْكُمْ بِالْجَمَاعَةِ، فَإِنَّ اللَّهَ لَنْ يَجْمَعَ أُمَّتِي إِلَّا عَلَى هُدًى

From Abū Dharr who said: the Messenger of Allah said:

"Two are better than one and three are better than two and four are better than three. You must adhere to the community (*jamāʿa*) for Allah never unites my community except on guidance."[103]

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[103] A legal maxim in Islamic law is: "the congregation is a mercy and sectarianism is a blight:"

الجماعة رحمة و الفرقة عذاب

Thus, Islam seeks unity over disunity in all aspects. Muslim jurists have generally understood "jamāʿa" as mentioned in narrations of the *Arbaʿīn* (#3-5, 10, 20) in the sense of a community unified under a singular political leader – Imam – with a valid pledge of allegiance (*bayʿa*) that constitutes a total political system and so fidelity to that leader and system is mandatory and separation from both is impermissible. Hence, the often cited statement of ʿUmar b. al-Khaṭṭāb that encapsulates this reality:

Aḥmad narrated it and the chain of transmission is authentic.[104]

O assembly of Arabs! The earth is earth! There is no Islam without the community, there is no community without the political system (*imāra*) and there is no political system without obedience... al-Dārimī, *Sunan* (#265):

يَا مَعْشَرَ الْعُرَيْبِ، الْأَرْضَ الْأَرْضَ، إِنَّهُ لَا إِسْلَامَ إِلَّا بِجَمَاعَةٍ، وَلَا جَمَاعَةَ إِلَّا بِإِمَارَةٍ، وَلَا إِمَارَةَ إِلَّا بِطَاعَةٍ...

For discussions, see *Kitāb al-ʿUzla* of al-Khaṭṭābī, pp.57-59 and al-Shāṭibī, *Kitāb al-Iʿtiṣām*, 1:69.

[104] Aḥmad, *al-Musnad*, 5/145 (#21618). Cf. al-Haythamī, *Majmaʿ al-Zawāʾid*, 1:182 where he identifies some weakness in the narration.

ḤADĪTH 21

عَنْ مُعَاذِ بْنِ جَبَلٍ، قَالَ : قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ :
أَطِعْ كُلَّ أَمِيرٍ، وَصَلِّ خَلْفَ كُلِّ إِمَامٍ، وَلا تَسُبُّوا أَحَدًا مِنْ أَصْحَابِي

From Muʿādh b. Jabal who said: The Messenger of Allah said:

"Obey every ruler, pray behind every Imam and do not curse anyone of my companions."

It was related by al-Ṭabarānī.[105]

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[105] In his *al-Muʿjam al-Kabīr* (#16813) and al-Suyūṭī, *al-Jāmiʿ al-Saghīr* (#1093 = al-Ṣanʿānī's *al-Tanwīr*). See al-Haythamī's *fatwā* outlining the details on the serious matter of cursing the Companions here: https://daralnicosia.wordpress.com/2011/05/03/al-haythami-fatwa-on-cursing-the-noble-companions/

Moreover, see al-Qurṭubī's discussion in *al-Jāmi' li-Aḥkām al-Qur'ān*, 16:291-292 produced below (= trans. taken from Muftī M. Shafī's *Maʿārif al-Qur'ān*, 8:128-131 with minor changes):

> It is not permitted to attribute categorically, and with certainty to any of the Companions that he was absolutely wrong in his action, because each of them acted according to his own *ijtihād*. Their objective was to seek the pleasure of Allah. The

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Companions are all our leaders, and it is enjoined upon us that we should hold back our tongue from talking about their mutual differences and always speak the best things about them. The Prophet's companionship is a highly honourable position which should not be violated. The Prophet has prohibited to revile them or talk bad about them, and informed us that they have been forgiven and that Allah is pleased with them [...]

Likewise, the noble Companions, who did not participate in the battles on either side, cannot be regarded as defaulters because their behaviour conduct and attitude in this matter was also based on their *ijtihād* and Allah maintained them thus. Therefore, it is not proper in any sense of the word to curse them, to taunt them, to hold them as sinners, and to neglect their virtues, their struggles and their great religious stations [...]

Ibn Fūrak said: "Some of our colleagues feel that the example of the conflicts that took place between the noble Companions is like that of the episodes of conflict that occurred between Yūsuf and his brothers. They, despite their mutual differences, did not lose their status of *wilāya* (authority) and *nubuwwa* (Prophethood). The same principle applies to the matter of conflicts that occurred between the Companions..." [...]

Ḥasan al-Baṣrī was asked [about this matter] and he replied: "Those were fights in which the

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Companions were present and we were not. They knew all the circumstances and we do not know them. The matter in which the Companions are unanimous, we follow; and the matter in which there is difference of opinion, we observe silence". And al-Muḥāsibī said: "As far as this blood-shed is concerned, it is difficult for us to say anything because there was a difference of opinion in this regard among the noble Companions themselves"...

لا يجوز أن ينسب إلى أحد من الصحابة خطأ مقطوع به ، إذ كانوا كلهم اجتهدوا فيما فعلوه وأرادوا الله عز وجل، وهم كلهم لنا أئمة، وقد تعبدنا بالكف عما شجر بينهم، وألا نذكرهم إلا بأحسن الذكر، لحرمة الصحبة ولنهي النبي – صلى الله عليه وسلم – عن سبهم، وأن الله غفر لهم، وأخبر بالرضا عنهم . هذا مع ما قد ورد من الأخبار من طرق مختلفة عن النبي – صلى الله عليه وسلم – أن طلحة شهيد يمشي على وجه الأرض، فلو كان ما خرج إليه من الحرب عصيانا لم يكن بالقتل فيه شهيدا . وكذلك لو كان ما خرج إليه خطأ في التأويل وتقصيرا في الواجب عليه لأن الشهادة لا تكون إلا بقتل في طاعة، فوجب حمل أمرهم على ما بيناه . ومما يدل على ذلك ما قد صح وانتشر من أخبار علي بأن قاتل الزبير في النار . وقوله : سمعت رسول الله – صلى الله عليه وسلم – يقول : بشر قاتل ابن صفية بالنار . وإذا كان كذلك فقد ثبت أن طلحة والزبير غير عاصيين ولا آثمين بالقتال لأن ذلك لو كان كذلك لم يقل النبي – صلى الله عليه وسلم – في طلحة : شهيد . ولم يخبر أن قاتل الزبير في النار .

وكذلك من قعد غير مخطئ في التأويل . بل صواب أراه الله الاجتهاد . وإذا كان كذلك لم يوجب ذلك لعنهم، والبراءة منهم وتفسيقهم، وإبطال فضائلهم وجهادهم، وعظيم غنائهم في الدين – رضي الله عنهم . وقد سئل بعضهم عن

ḤADĪTH 22

عَنْ أَبِي هُرَيْرَةَ، قَالَ : قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ : إِنَّ اللَّهَ عَزَّ وَجَلَّ يَرْضَى لَكُمْ ثَلاثًا، وَيَكْرَهُ لَكُمْ ثَلاثًا، يَرْضَى لَكُمْ أَنْ تَعْبُدُوهُ وَلا تُشْرِكُوا بِهِ شَيْئًا، وَأَنْ تَعْتَصِمُوا بِحَبْلِ اللَّهِ جَمِيعًا وَلا تَفَرَّقُوا، وَأَنْ تُنَاصِحُوا لِمَنْ وَلاهُ اللَّهُ عَزَّ وَجَلَّ أَمْرَكُمْ وَيَكْرَهُ لَكُمْ، قِيلَ وَقَالَ، وَكَثْرَةَ السُّؤَالِ، وَإِضَاعَةَ الْمَالِ

From Abū Hurayra who said: the Messenger of Allah said:

الدماء التي أريقت فيما بينهم فقال : تلك أمة قد خلت لها ما كسبت ولكم ما كسبتم ولا تسالون عما كانوا يعملون .

سئل بعضهم عنها ايضا فقال : تلك دماء طهر الله منها يدي، فلا اخضب بها لساني . يعني في التحرز من الوقوع في خطا، والحكم على بعضهم بما لا يكون مصيبا فيه قال ابن فورك : ومن أصحابنا من قال: إن سبيل ما جرت بين الصحابة من المنازعات كسبيل ما جرى بين إخوة يوسف مع يوسف، ثم إنهم لم يخرجوا بذلك عن حد الولاية والنبوة، فكذلك الأمر فيما جرى بين الصحابة . وقال المحاسبي : فاما الدماء فقد اشكل علينا القول فيها باختلافهم . وقد سئل الحسن البصري عن قتالهم فقال : قتال شهده أصحاب محمد – صلى الله عليه وسلم – وغبنا، وعلموا وجهلنا، واجتمعوا فاتبعنا، واختلفوا فوقفنا . قال المحاسبي : فنحن نقول كما قال الحسن، ونعلم أن القوم كانوا اعلم بما دخلوا فيه منا، ونتبع ما اجتمعوا عليه ، ونقف عند ما اختلفوا فيه ولا نبتدع رأيا منا، ونعلم أنهم اجتهدوا وارادوا الله عز وجل، إذ كانوا غير متهمين في الدين، ونسال الله التوفيق

"Allah the Mighty and Exalted likes three things from you and dislikes three things. He likes that you worship only Him without associating any partners with Him; that you hold firmly to the rope of Allah and not divide into sects and to mutually advise those he appoints in authority over you. He dislikes that you engage in rumours (*qīla wa qāl*), excessively ask questions and wasting wealth."

Aḥmad[106] and Muslim both narrated it.[107] And "ḥabl Allah" (rope of Allah) means His Book, light and guidance.

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[106] Aḥmad, *al-Musnad* 14/78, 335 (#8334, 8718).

[107] Muslim, *Ṣaḥīḥ* (#1715) and Mālik in the *Muwaṭṭa'*, 2:483 (#1863) and the extensive discussions from Ibn ʿAbd al-Barr's *al-Tamhīd* and *al-Istidhkār* as well as Ibn al-ʿArabī's *al-Qabas* in *Mawsūʿat Sharḥ al-Muwaṭṭa'*, 23:502-515 (#1932).

ḤADĪTH 23

عَنْ أَبِي تَمِيمٍ الدَّارِيِّ رَضِيَ اللهُ عَنْهُ قَالَ: : قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ : الدِّينُ النَّصِيحَةُ ثلاثا. قُلْنَا: لِمَنْ يا رسول الله؟ قَالَ لِلَّهِ، وَلِكِتَابِهِ، وَلِرَسُولِهِ، وَلِأَئِمَّةِ الْمُسْلِمِينَ وَعَامَّتِهِمْ.

From Tamīm al-Dārī who said: The Messenger of Allah said:

"The Religion is sincerity [s: advice and counsel]." We asked: 'To whom, Messenger of Allah?' He replied: "To Allah, His Book, His Messenger and to the leaders of the Muslims and their common folk."[108]

Muslim narrated it as well as others. Each person's advice (*naṣīḥa*) will be according to his circumstances and condition.

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[108] Advice or sincerity to the rulers as mentioned by Ibn Daqīq al-ʿĪd includes: (i) collaborating with rulers on the truth; (ii) obeying the them and causing the masses to do the same; (iii) commanding them to what is good; (iv) admonishing them, (v) reminding them with gentleness and kindness when they err; (vi) not to rebel against them; (vii) to conduct *jihād* under their banner and (viii) to pray for their rectification. *Ibn Daqiq al-ʿId's Commentary*, p.78 and al-Nawawi, *The Complete Forty Hadith*, p.44.

ḤADĪTH 24

عَنِ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا قَالَ : قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ : تَجَاوَزُوا عَنْ ذَنْبِ السَّخِيِّ وَزَلَّةِ الْعَالِمِ وَسَطْوَةِ السُّلْطَانِ الْعَادِلِ، فَإِنَّ اللَّهَ يَأْخُذُ بِأَيْدِيهِمْ كُلَّمَا عَثَرَ عَاثِرٌ مِنْهُمْ

From Ibn ʿAbbās who said: the Messenger of Allah said:

"Pardoned are the sins of the generous, the mistakes (*zalla*) of the scholar and the presumptuousness of a just Sultan. Allah will take it from their hands. The more they stumble, the more he pardons."

al-Khaṭīb [al-Baghdādī] related it.[109]

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[109] In his *Ta'rīkh Baghdād* (#4653).

ḤADĪTH 25

عن جابر بن عبد الله رضي الله عنه قَالَ : قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ : ثلاثة لا يستخف بحقهم إلاً منافق بين النفاق ذو الشيبة في الإسلام والإمام المقسط ومعلم

From Jābir b. ʿAbd Allāh who said: the Messenger of Allah said:

"Three rights are belittled by no-one except a hypocrite in his hypocrisy: the elderly (*al-shayba*) in Islam, the just Imam and the teacher of good."

Abū 'l-Shaykh related it.[110] By "imām" is meant the Caliph, by "muqsiṭ" means just and "teacher of good" refers to the scholar.

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[110] See al-Ṭabarānī, *al-Muʿjam al-Kabīr* (#7819) for which see al-Haythamī's comments in *Majmaʿ al-Zawā'id*, 1:170 and al-Suyūṭī, *al-Jāmiʿ al-Ṣaghīr* (= al-Ṣan'ānī's commentary *al-Tanwīr* [#3518]). See as well al-Hindī, *Kanz al-ʿUmmāl* (#43811) and al-Albānī's remarks in *Silsilat Aḥādīth al-Ḍaʿīfa* (#3249) and his *Ḍaʿīf al-Jāmi'* (#2600-2601). Cf. a version mentioned in Kassis, *The Book of Proverbs*, p.75. al-Munāwī, *Fayḍ al-Qadīr*, 3:431 (#3533-3534) states in summary:

> (Three rights are belittled by no-one except a hypocrite in his hypocrisy: the elderly [*al-shayba*] in Islam, the teacher of good and the Imam) i.e. the

ḤADĪTH 26

عَنْ أنس، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ : السُّلْطَانُ ظِلُّ اللَّهِ فِي أَرْضِهِ مَنْ نَصَحَهُ هُدِيَ، وَمَنْ غَشَّهُ ضَلَّ.

From Anas who said that: the Messenger of Allah said:

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supreme leader (just) i.e. fair in his rule... (Abū 'l-Shaykh in his book *al-Tawbīkh* from Jābir) which is weak [...]

(ثلاثة لا يستخف بحقهم إلا منافق ذو الشيبة في الإسلام وذو العلم والامام) الاعظم (المقسط) إي العادل في حكمه والمراد في هذا وما قبله النفقا العملي (أبو الشيخ في كتاب التوبيخ عن جابر) وهذا ضعيف

(ثلاثة لا يستخف بحقهم إلا منافق بين النفاق : ذو الشيبة في الاسلام وذو العلم) أي الشرعي (وامام مقسط) اي عادل وهذا ضعيف لكن قالوا له شواهد منها ما رواه الخطيب عن ابي هريرة مرفوعا لا يوسع المجلس إلا لثلاث لذي علم لعلمه ولذي سلطان ولذي سن لسنه وعن كعب قال نجد في كتاب الله علينا أن يوسع في المجلس لذي الشيبة المسلم والامام العادل ولذي القرآن ونعظمهم ونوقرهم ونشرفهم (طب عن أبي أمامة)

.عن علي بن يزيد وكلاهما ضعيف إه قال الهيثمي هو من رواية عبد الله بن زحر

"The sultan is the shade of Allah on the earth. Whoever cheats him is misguided and whoever gives him advice is rightly guided."

al-Bayhaqī narrated it.[111] And "Allah's shade" (*ẓill Allāh*) repels harm.[112]

[111] In *Shuʿab al-Īmān*, 9:481 (#6991)
[112] In his *Ta'rīkh Baghdād* (#4653).

ḤADĪTH 27

عَنْ أنس، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ : إذا مررت بلدة ليس فيها سلطان فلا تدخلها، السلطان ظل اللَّه ورمحه في الأرض

From Anas who said that: the Messenger of Allah said:

"When you pass through a country without a sultan in it, then do not enter it as the sultan is the shade of Allah and his spear on the earth."

al-Bayhaqī narrated it.[113] The Arabs use the word "rumḥ" (spear, lance) metaphorically to mean

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[113] In *Shuʿab al-Īmān*, 9:480 (#6990) as well as his *Sunan al-Kubrā* 16:580 (#15304). ʿAlī al-Qārī remarks:

> And from Ibn 'Umar that the Prophet said: "The Sultan is the Shade of God" and in another version "the shade of the All-Merciful on the earth" because he protects the people from harm just like the shade protects from the harm of the Sun's heat. The term 'shade' may also denote 'shelter' and 'protection' as mentioned in *al-Nihāya*. al-Ṭībī said: 'shade of God' is a comparison and the statement 'the oppressed of God's servants seek his shelter' is a clear sentence of the sultan being compared to the shade, i.e. in the

protection and prevention. Thus, it means the Sultan removes harm.

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same way the people seek relaxation in the coolness of the shade from the heat of the Sun, likewise they seek redemption in the shade of his justice from the heat of oppression. See *Mirqāt al-Mafātīḥ*, 4:137-138.

وعن ابن عمر رضي الله عنهما أن النبي قال :إن السلطان "ظل الله" وفي رواية "ظل الرحمن في الأرض" لأنه يدفع الأذى عن الناس كما يدفع الظل اذى حر الشمس .وقد يكنى بالظل عن الكنف والحماية كذا في النهاية و قال الطيبي: ظل الله تشبيه وقوله ياوي إليه كل مظلوم من عباده جملة مبينة لما شبه به السلطان بالظل أي كما أن الناس يستروحون إلى برد الظل من حر الشمس كذلك يستروحون إلى برد عدله من حر الظلم.

ḤADĪTH 28

عَنْ أَبِي أُمَامَة، قَالَ : قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ و سلم: لا تَسُبُّوا الأَئِمَّةَ وَادْعُوا لَهُمْ بِالصَّلاحِ، فَإِنَّ صَلاحَهُمْ لَكُمْ صَلاحٌ

From Abū Umāma who said: the Messenger of Allah said:

"Do not curse your rulers. Rather, pray for them to be good. If you are good to them, they will be good to you".

al-Ṭabarānī narrated it.[114]

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[114] In *al-Muʿjam al-Kabīr* (#7487) and *al-Awsaṭ* (#1635). Cf. fn.116 below. al-Munāwī comments:

> (do not curse your rulers) i.e. the Caliph and his official representatives even if they are oppressive (rather, pray for them to be good. If you are good to them, they will be good to you) because through them the religion is protected, worldly affairs are administered, the way of the Muslims is preserved and knowledge and action will be firmly established. And Fuḍayl b. ʿIyāḍ said: 'If I had one supplication to be answered, I would make it for no-one but the ruler. If I were to make it for me, it would not be answered. A righteous ruler leads to

ḤADĪTH 29

عَنْ أَبِي عيبدة رضي الله عنه قَالَ : قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ:
لا تسبوا السلطان فإنه فئ الله في أرضه

From Abū ʿUbayda who said: The Messenger of Allah said:

"Do not curse the Sultan because he is Allah's shade (*fay'*) on His earth."

al-Bayhaqī narrated it.[115] And the word "fay'" is 'shadow' in the meaning previously explained.[116]

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righteous citizens and a righteous land...' *Fayḍ al-Qadīr* 6:398 (#9784):

(لا تسبوا الأئمة) الإمام الأعظم ونوابه وإن جاروا (وادعوا الله لهم بالصلاح فإن صلاحهم لكم صلاح) إذ بهم حراسة الدين وسياسة الدنيا وحفظ منهاج المسلمين وتمكينهم من العلم والعمل وقال الفضيل بن عياض : لو كان لي دعوة مستجابة ما صيرتها إلا في الإمام لأني لو جعلتها النفسي لم تجاوزني ولو جعلتها له كان صلاح الإمام صلاح العباد والبلاد.

[115] In *Shuʿab al-Īmān*, 9:478 (#6987). See also al-Suyūṭī, *al-Jāmiʿ al-Ṣaghīr* (#9768).

[116] See *ḥadīth* #25 above for the meaning of "shade" (*ẓill*). al-Munāwī in *Fayḍ al-Qadīr*, 6:399 (#9788) states in summary:

ḤADĪTH 30

عن أبي بكر الصديق رضي الله عنه قال: قال قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ سلم: السلطان العادل المتواضع ظل الله ورمحه في الأرض يرفع له عمل سبعين صِدِّيقًا

From Abū Bakr al-Ṣiddīq who said that: the Messenger of Allah said:

"The just and humble Sultan is Allah's shade and lance on the earth. He is raised in rank the degree of seventy deeds of the truthful (*ṣiddīq*)."

> ...and likewise, Allah has appointed the Sultan as a support and succour (*maʿūna*) for His creation, hence his position in office ought to be protected from curses or denigration so that respecting him becomes a reason for extending the shade of Allah and maintaining support and protection for His creation. The *salaf* have warned against supplicating for him as he can escalate evil and tribulations for the Muslims...

كذا السلطان جعله الله معونة لخلقه فيصان منصبه عن السب والامتهان ليكون احترامه سببا لامتداد فيء الله ودوام معونة خلقه وقد حذر السلف من الدعاء عليه فإنه يزداد شرا ويزداد البلاء على المسلمين

Abū 'l-Shaykh narrated it.[117]

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[117] See al-Hindī, *Kanz al-ʿUmmāl* (#14615).

ḤADĪTH 31

عَنْ عَبْدِ اللَّهِ بْنِ عَمْرٍو، قَالَ: قَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم: "إِنَّ الْمُقْسِطِينَ عِنْدَ اللَّهِ عَلَى مَنَابِرَ مِنْ نُورٍ عَنْ يَمِينِ الرَّحْمَنِ عَزَّ وَجَلَّ وَكِلْتَا يَدَيْهِ يَمِينٌ الَّذِينَ يَعْدِلُونَ فِي حُكْمِهِمْ وَأَهْلِيهِمْ وَمَا وَلُوا "

From ʿAbd Allāh b. ʿUmar who said that: the Messenger of Allah said:

"Verily the dispensers of justice will be seated on the pulpits of light beside Allah, on the right side of the Merciful, Mighty and Exalted. Either side of Him is the right side, both being equally meritorious. [They] are those who are just in their judgments, in matters relating to their families and in all that they undertake to do."

Muslim narrated it.[118] By "muqsiṭūn" is meant those who are fair and just (*ʿādilūn*). By "on the right side of the Merciful" is meant on the right side of His Throne (*ʿarshihi*). It is the position of the *Salaf* to avoid figurative interpretation (*ta'wīl*) of that phrase. They consider such phrases to be from the attributes that are classed ambiguous (*al-ṣifāt al-*

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[118] Muslim, *Ṣaḥīḥ* (#1827).

mutashābiha) like 'face', 'hand', 'foot' etc. found in the Book and Sunna. They fully consign knowledge of their true meanings to Allah Most High after acknowledging that His attributes have no likeness with any created thing and with full conviction that there is not anything like Him and He is All Hearing and Knowing.[119]

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[119] al-Nabhānī composed an anti-anthropomorphic tract on ascribing a literal direction to Allah entitled *Rafʿ al-Ishtibāh fī Istiḥālāt al-Jihha ʿalā Allāh*. On discussions regarding the controversy over divine attributes refer to Ali, *The Attributes of God*, pp.3-20; Kabbani et al, *Encyclopaedia of Islamic Doctrine*: vol. 1 (Beliefs/*ʿaqida*); Haddad, *Islamic Doctrines and Beliefs* vols. 2-4 and my *Introducing Early Kalam Controversies*, pp.52-88.

ḤADĪTH 32

عَنِ ابْنِ عَبَّاسٍ، قَالَ : قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ " : يَوْمٌ مِنْ إِمَامٍ عَادِلٍ أَفْضَلُ مِنْ عِبَادَةِ سِتِّينَ سَنَةً، وَحَدٌّ يُقَامُ فِي الأَرْضِ أَزْكَى فِيهَا مِنْ قَطْرِ أَرْبَعِينَ يَوْمًا "

From Ibn ʿAbbās who said: the Messenger of Allah said:

"A day with a just Imam is better than worship for sixty years".

al-Ṭabarānī narrated it with a good chain.[120]

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[120] In *al-Muʿjam al-Awsaṭ* (#4905) and *al-Muʿjam al-Kabīr* (#11771). The remaining part of the narration reads:

"...and the implementation of the fixed penalties in a land is better than rain for forty days."

وَحَدٌّ يُقَامُ فِي الأَرْضِ أَزْكَى فِيهَا مِنْ قَطْرِ أَرْبَعِينَ يَوْمًا

ḤADĪTH 33

عَنْ عِيَاضِ بْنِ حِمَاد قال: سمعت رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ : وَأَهْلُ الْجَنَّةِ ثَلَاثَةٌ ذُو سُلْطَانٍ مُقْسِطٌ مُتَصَدِّقٌ مُوَفَّقٌ وَرَجُلٌ رَحِيمٌ رَقِيقُ الْقَلْبِ لِكُلِّ ذِي قُرْبَى وَمُسْلِمٍ وَعَفِيفٌ مُتَعَفِّفٌ ذُو عِيَالٍ.

From ʿIyāḍ b. Ḥimād who said: I heard the Messenger of Allah saying:

"Three types of people will be in Paradise: a just, fair and successful Sultan; a person who is merciful and kind hearted towards all his Muslim relatives and finally a virtuous and decent person with a family [s: to support]."

Muslim narrated it.[121] The "muqsiṭ" is the just and fair person.

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[121] Muslim, *Ṣaḥīḥ* (#2865, 6853) as part of a longer narration.

ḤADĪTH 34

عَنْ أَبِي هُرَيْرَةَ، قَالَ قَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم "ثَلاَثَةٌ لاَ تُرَدُّ دَعْوَتُهُمُ الصَّائِمُ حَتَّى يُفْطِرَ وَالإِمَامُ الْعَادِلُ وَدَعْوَةُ الْمَظْلُومِ يَرْفَعُهَا اللَّهُ فَوْقَ الْغَمَامِ وَيَفْتَحُ لَهَا أَبْوَابَ السَّمَاءِ وَيَقُولُ الرَّبُّ وَعِزَّتِي لأَنْصُرَنَّكَ وَلَوْ بَعْدَ حِينٍ"

From Abū Hurayra who said: the Messenger of Allah said:

"There are three whose supplication is not rejected: The fasting person when he breaks his fast, the just leader and the supplication of the oppressed person. Allah raises it up above the clouds and opens the gates of heaven to it. And the Lord says: 'By My might, I shall surely aid you, even if it should be after a while'..."

Ahmad related it[122] as well as al-Tirmidhī[123] who declared the chain good. Ibn Mājah[124] also related it in addition to Ibn Khuzayma and Ibn Ḥibbān in their *Ṣaḥīḥs.*[125]

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[122] Aḥmad, *al-Musnad*, 2/305 (#8030).

[123] al-Tirmidhī, *Sunan* (#3598).

[124] Ibn Mājah, *Sunan* (#1824).

[125] Ibn Ḥibbān, *Ṣaḥīḥ* (#3428, 7387) and Ibn Khuzayma, *Ṣaḥīḥ*, 3:199 (#1901).

ḤADĪTH 35

عَنْ أَبِي سَعِيدٍ، قَالَ قَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم : "إِنَّ أَحَبَّ النَّاسِ إِلَى اللَّهِ يَوْمَ الْقِيَامَةِ وَأَدْنَاهُمْ مِنْهُ مَجْلِسًا إِمَامٌ عَادِلٌ وَأَبْغَضَ النَّاسِ إِلَى اللَّهِ وَأَبْعَدَهُمْ مِنْهُ مَجْلِسًا إِمَامٌ جَائِرٌ "

From Abū Saʿīd [al-Khuḍrī] who said: the Messenger of Allah said:

"Indeed, the most beloved of people to Allah on the Day of Judgement and the nearest to Him in the status is the just Imam. And the most hated of people to Allah and the one punished most severely – and in one version: and the furthest from Him in status – is the oppressive Imam."

al-Tirmidhī related it and he declared the chain good.[126]

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[126] al-Tirmidhī, *Sunan* (#1329). Assuming a leadership role carries an immense responsibility and burden of trust – more so in the case of ruling (*imāra*) and administering the affairs of the people (*siyāsa*). If one is not qualified, suitable or competent, then h/she should avoid assuming a position of responsibility or handling trust. The consequences are severe and the afterlife sanctions equally so. For further remarks and narrations on this, see Pankhurst, *Sittūn Sulṭāniyya*, pp.33-53 (#19-39).

ḤADĪTH 36

عن عمر ابن الخطاب رضي الله عنه قال: قَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم: أفضل الناس عند الله منزلةً يوم القيامة إمام عادل رفيق، وشر عباد الله منزلةً يوم القيامة إمام جائر خرق.

The Islamic tradition also records the importance of rulers in determining the integrity of the community life of its citizens. Political depravity or corruption from rulers engenders a validation for general corruption within society. It is incumbent therefore on the ruler to have *taqwá* (piety, God-consciousness) and ensure that it remains embedded in him. The soundness of his Islamic character is the only sure guarantee of the correct implementation of Islam as well as its exportation. One of the required practical means of ensuring the ruler's piety and character is the citizens accounting him through robust verbal strategies of reminders and admonitions. See al-Nabhānī, *Niẓām al-Ḥukm*, pp.262-264. One of the early successors (*tābiʿī*) al-Qāsim b. Mukhaymira in this regard famously commented: "your sultans define your age: if your sultans are righteous, you will be righteous and if they are corrupt you will become corrupt." al-Bayhaqī, *al-Sunan al-Kubrā*, 16:58 (#16730):

إنما زمانكم سلطانكم، فإذا صلح سلطانكم صلح زمانكم، وإذا فسد سلطانكم فسد زمانكم

From ʿUmar b. al-Khaṭṭāb who said: the Messenger of Allah said:

"The best person in rank with Allah on the Day of Judgment is a just and kind Imam. The worst of Allah's servants in rank on the Day of Judgment is the oppressive and unkind Imam."

al-Bayhaqī narrated it in *Shuʿab al-Īmān*.[127]

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[127] *Shuʿab al-Īmān*, 9:477 (#6986).

ḤADĪTH 37

عَنِ مَعْقِلَ بْنَ يَسَارٍ : سَمِعْتُ رَسُولَ اللَّهِ صلى الله عليه وسلمَ قَالَ:
"مَا مِنْ وَالٍ يَلِي رَعِيَّةً مِنَ الْمُسْلِمِينَ، فَيَمُوتُ وَهُوَ غَاشٌّ لَهُمْ، إِلاَّ حَرَّمَ اللَّهُ عَلَيْهِ الْجَنَّةَ"

From Maʿqil b. Yasār who said: I heard the Messenger of Allah say:

"If any ruler having the authority to rule Muslim citizens dies while he is deceiving them, Allah will forbid Paradise for him."

It was narrated by Bukhārī and Muslim.[128]

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[128] Bukhārī (#7151) and Muslim (#1829) in their *Ṣaḥīḥs*. This is one of the sternest warnings against rulers who are oppressive, unjust and harsh against their citizens. *Fatḥ al-Bārī*, 3:3201: This *ḥadīth* is also one of the many proof texts from which the legal maxim "justice is sought in all matters" is derived:

العدل مامور به في جميع الامور

For a discussion on this maxim, see Ṣāliḥ, *al-Qawāʿid wa 'l-Ḍawābiṭ*, pp.193-204.

ḤADĪTH 38

عَنْ عَائِشَةَ قَالَتْ : قَالَ رَسُولِ اللَّهِ صلى الله عليه وسلم :اللَّهُمَّ مَنْ وَلِيَ مِنْ أَمْرِ أُمَّتِي شَيْئًا فَشَقَّ عَلَيْهِمْ فَاشْقُقْ عَلَيْهِ وَمَنْ وَلِيَ مِنْ أَمْرِ أُمَّتِي شَيْئًا فَرَفَقَ بِهِمْ فَارْفُقْ بِهِ

From ʿĀ'isha who said: The Messenger of Allah said:

"O Allah! Whoever comes to power over the affairs of my *umma* and becomes harsh on them, then you be harsh on him and whoever comes to power over the affairs of my *umma* but is kind to them, be also kind to them."

Muslim narrated it.[129]

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[129] In his *Ṣaḥīḥ* (#1828). The meaning is plain and the language is unequivocal. al-Nawawī states:

> This [narration] is one of the clearest warnings regarding causing hardship on the people [s: by the ruler] and one of the strongest encouragements to be kind to them. Many reports have clearly come with this meaning." *Sharḥ*, p.1422:

هذا من أبلغ الزواجر عن المشقة على الناس، وأعظم الحث على الرفق بهم، وقد تظاهرت الأحاديث بهذا المعنى

ḤADĪTH 39

عن أبي سعيد الخدري رضي الله عنه قال: رسول الله صلى الله عليه وسلم قال : ما بعث الله من نبي، ولا استخلف من خليفة إلا كانت له بطانتان بطانة تأمره بالمعروف وتحضه عليه، وبطانة تأمره بالشر وتحضه عليه، والمعصوم من عصم الله.

From Abū Saʿīd al-Khudrī who said: the Messenger of Allah said:

"Allah neither raises up a Prophet nor does He grant any person authority without there being two types of entourage (*biṭāna*):[130] one enjoins him to do good and encourages him to carry it out and the other enjoins evil and encourages him to do that. The protected one is the one whom Allah protects."

It was related by Bukhārī.[131]

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[130] In his *Ṣaḥīḥ* (#7198).

[131] The word "biṭāna" linguistically means an inner lining that insulates a garment (*al-dukhalā'*). Here in the *ḥadīth* it means a close associate; someone who knows the internal and concealed matters of another; a private confident and friend. Lane, *Lexicon*, Bk.1, p.221, s.v and Ennaji, *Salvery, the State and Islam*, pp.165-206. Other interpretations of *biṭāna* mentioned by Ibn Ḥajar include: (i) they refer to two official ministers; (ii) one angel and one devil and (iii) a

ḤADĪTH 40

عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ: سَبْعَةٌ يُظِلُّهُمُ اللَّهُ فِي ظِلِّهِ يَوْمَ لاَ ظِلَّ إِلاَّ ظِلُّهُ إِمَامٌ عَادِلٌ وَشَابٌّ نَشَأَ بِعِبَادَةِ اللَّهِ وَرَجُلٌ كَانَ قَلْبُهُ مُعَلَّقًا بِالْمَسْجِدِ إِذَا خَرَجَ مِنْهُ حَتَّى يَعُودَ إِلَيْهِ وَرَجُلاَنِ تَحَابَّا فِي اللَّهِ فَاجْتَمَعَا عَلَى ذَلِكَ وَتَفَرَّقَا وَرَجُلٌ ذَكَرَ اللَّهَ خَالِيًا فَفَاضَتْ عَيْنَاهُ وَرَجُلٌ دَعَتْهُ امْرَأَةٌ ذَاتُ حَسَبٍ وَجَمَالٍ فَقَالَ إِنِّي أَخَافُ اللَّهَ وَرَجُلٌ تَصَدَّقَ بِصَدَقَةٍ فَأَخْفَاهَا حَتَّى لاَ تَعْلَمَ شِمَالُهُ مَا تُنْفِقُ يَمِينُهُ

From Abū Hurayra who said: The Messenger of Allah said:

"Seven shall be shaded by Allah under his shade on a day in which there is no shade except His Shade: A just Imam; a young person raised upon worshiping Allah, a person whose heart is attached to the

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soul inclined to evil and a reproachful soul, See *Fatḥ al-Bārī*, 3:3227:

قال ابن التين : يحتمل ان يكون المراد بالبطانتين الوزيرين ويحتمل ان يكون الملك والشيطان. وقال الكرماني "يحتمل ان يكون المراد بالبطانتين النفس الأمارة بالسوء والنفس اللوامة المحرضة على الخير" إذ لكلمنهما قوة ملكية وقوة حيوانية انتهى . والحمل على الجميع أولى إلا انه جائز أن لا يكون لبعضهم إلا البعض، وقال المحب الطبري "البطانة : الأولياء والأصفياء."

Mosque from when he leaves it until he returns to it; two men who love each other for Allah's sake and come together and part on that; a man who remembers Allah in privacy and his eyes swell with tears; a man invited by a woman of status and beauty, but he says: 'I indeed fear Allah, Mighty and Sublime is He!' And a man who conceals the charity he gives such that his left hand does not know what his right hand has spent".

It was narrated by Bukhārī and Muslim.[132]

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[132] Bukhārī (#1423, 6479) and Muslim (#1031) in their *Ṣaḥiḥs*. Ibn Ḥajar says:

> (Just Imam): the meaning intended here is the Supreme office [s: of the Caliphate) but can include anyone in charge of governing Muslim affairs and being just in that [...] the best explanation for 'just' (*'ādil*) is anyone who follows all the commands of Allah and ensures everything is in its rightful place without excess or neglect. *Fatḥ al-Bārī*, 1:574 (#660):

و المراد به صاحب الولاية العظمى و يلتحق به كل من ولي شيئا من أمور المسلمين فعدل فيه...أحسن ما فسر به العادل انه الذي يتبع أمر الله بوضع كل شيء في موضعه من غير إفراط ولا تفريط

See fn.128 above. al-Arzanjānī in *Minhāj al-Yaqīn* quotes al-Māwardī as saying:

> Know that this world will not be rectified or put right until six matters are established and harmonised in all its situations and affairs and they are its principles and foundations even if they vary:
>
> [1] a religion that is followed,
> [2] a powerful Sultan,
> [3] complete justice,
> [4] general safety,
> [5] fertile land and
> [6] wide hopes. See al-Zuḥaylī, *Fiqh al-Islāmī*, 8:479:

اعلم أن ما به تصلح الدنيا حتى تصير جميع أحوالها منتظمة، وجملة أمورها ملتئمة ستة أشياء هي قواعدها وأصولها وإن تفرعت، وهي دين متبع، وسلطان قاهر، وعدل شامل، وأمن عام، وخصب دائم، وأمل فسيح

When ʿUmar b. ʿAbd al-ʿAzīz (r. 99-101/717-720) was elected as caliph, he wrote a letter to the senior religious figure at the time al-Ḥasan al-Baṣrī (d.110/728) on the description of a just ruler. A segment of al-Ḥasan al-Baṣrī's reply is given below as reproduced in Ibn ʿAbd Rabbih's *ʿIqd al-Farīd*, 1:25:26:

> Know, O Commander of the Faithful, that Allah has put the just ruler to be the redress of every wrong-doer, the discipline of every unfair person, the correction of every corrupt man, the strength of every weak one, the justice of every wronged person and the refuge of every frightened individual.

The just ruler, O Commander of the Faithful, is like a shepherd who is tender towards his camels and kind to them; he takes them to the best pastures, prevents them from straying in dangerous places, defends them against wild beasts and protects them from the harms of the heat and the cold.

The just ruler, O Commander of the Faithful, is like a father who has compassion towards his children, strives for them when young and teaches them when they are older, earns for them during his lifetime and saves for them after his death.

The just ruler, O Commander of the Faithful, is like a tender mother who is dutiful and kind to her child, who bore him in pain and gave birth in pain, who rears him as a child, staying up at night when he does, and being quiet when he is at rest; she suckles him for a time and then weans him, she rejoices when he is healthy and is saddened when he is in pain.

The just ruler, O Commander of the Faithful, is the guardian of orphans and treasurer of the poor, educating the young among them and providing for the elders.

The just ruler, O Commander of the Faithful, is like the heart among the other body organs: they are

healthy if the heart is healthy and corrupt when the heart is corrupt.

The just ruler, O Commander of the Faithful, is the one who stands between Allah and His servants; he listens to Allah's words and causes others to listen to it, he looks to Allah and makes them look as well; he is led to Allah and leads the people to Him. Therefore, O Commander of the Faithful, in relation to the realm given to you by Allah, may He be exalted and magnified, do not be like a servant whose master entrusted him with his wealth and dependents, but who wasted the wealth and drove away the dependents like they were paupers; thus impoverishing his master's family and wasting his wealth.

Know as well, O Commander of the Faithful, that Allah has prescribed fixed punishments (*ḥudūd*) to act as deterrents to filthy deeds and depraved acts. So what do you think will happen if these deeds and acts are committed by those responsible for implementing the punishments? Allah also revealed retaliation (*qiṣāṣ*) for life for His servants. So what do you think will happen if those entitled to retaliation are killed? [...]

اعلم – يا أمير المؤمنين – أن الله جعل الإمام العادل قوام كلّ مائل، وقصد كل جائر، وصلاح كل فاسد، وقوة كل ضعيف، ونصفة كل مظلوم، ومفزع كل ملهوف.

Note: Know that the sources I gathered these forty narrations from are three main ones: *Mishkāt al-Maṣābīḥ* of al-Khaṭīb al-Ṭabrīzī, *al-Targhīb wa 'l-Tarhīb* of al-Ḥāfiẓ al-Mundhirī and *al-Jāmiʿ al-Ṣaghīr* of al-Suyūṭī. Thereafter, I

والإمام العادل – يا أمير المؤمنين – كالراعي الشفيق على إبله الرفيق بها، الذي يرتاد لها أطيب المرعى، ويذودها عن مراتع الهلكة، ويحميها من السباع، ويكنّها من أذى الحرّ والقرّ.

والإمام العادل – يا أمير المؤمنين – كالأب الحاني على ولده، يسعى لهم صغارًا، ويعلمهم كبارًا، يكتسب لهم في حياته، ويدخر لهم بعد مماته.

والإمام العادل – يا أمير المؤمنين – كالأم الشفيقة البرة الرفيقة بولدها، حملته كرهًا ووضعته كرهًا، وربّته طفلاً، تسهر بسهره، وتسكن بسكونه، ترضعه تارة، وتفطمه أخرى، وتفرح بعافيته وتغتم بشكايته.

والإمام العادل – يا أمير المؤمنين – وصيّ اليتامى، وخازن المساكين، يربّي صغيرهم، ويمون كبيرهم.

والإمام العادل – يا أمير المؤمنين – كالقلب بين الجوارح، تصلح الجوارح بصلاحه، وتفسد بفساده.

والإمام العادل – يا أمير المؤمنين – هو القائم بين الله وبين عباده، يسمع كلام الله ويسمعهم، وينظر إلى الله ويريهم، وينقاد إلى الله ويقودهم، فلا تكن – يا أمير المؤمنين – فيما ملّكك الله عز وجل، كعبد ائتمنه سيّده، واستحفظه ماله وعياله، فبدّد المال، وشرّد العيال، فأفقر أهله، وفرّق ماله.

واعلم – يا أمير المؤمنين – أن الله أنزل الحدود ليزجر بها عن الخبائث والفواحش، فكيف إذا أتاها من يليها؟ وأن الله أنزل القصاص حياة لعباده، فكيف إذا قتلهم من يقتص لهم

Cf. the letter of ʿUmar b. al-Khaṭṭāb sent to Muʿādh b. Jabal and its analysis by al-Khaṣṣāf in his *Ādāb al-Qāḍī* with its commentary by Ṣadr al-Shāhid, pp.85-105.

consulted Bukhārī and Muslim and the narrations
reported from them.

This was completed in the blessed month of Dhū 'l-Ḥijja,
the Hijra year 1312 of our Master Muḥammad,
the best of creation and on whom as well as his family and
companions be the greatest salutations and greetings –
from the beginning until the end.

Glory be to your Lord, the Lord of Might from what they
ascribe to Him! And utmost peace on the all Messengers.
And all praise truly belongs to Allah, Lord of the Worlds.

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